



ZONING RESOLUTION OF HOWLAND TOWNSHIP TRUMBULL COUNTY, OHIO

Effective – February 28, 2020
Howland Township Resolution 2019-C-02

HOWLAND TOWNSHIP BOARD OF TRUSTEES

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HOWLAND TOWNSHIP ZONING RESOLUTIONS

A Resolution providing for the zoning of Howland Township by regulating size and use of buildings and structures the area and dimensions of lots and yards and the use of lands, and for such purposes, dividing the Township into zones and districts of such number, sizes and shapes as are deemed best suited to carry out said purposes, and providing a method of administration and enforcement of these Resolutions.

WHEREAS, the Board of Trustees of Howland Township deems it necessary in the interest of the PUBLIC HEALTH, SAFETY, MORALS, COMFORT AND GENERAL WELFARE OF SAID HOWLAND TOWNSHIP and its residents to establish a general zoning plan for the area of said Howland Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Howland Township:

For the purpose of promoting health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan, the Board of Trustees of Howland Township find it necessary and advisable to regulate the location and size of buildings and other structures, including tents, cabins and trailer coaches, percentages of lot areas which may be occupied, set-back building lines, sizes of yards, courts, and other open spaces, the use of buildings and other structures including tents, cabins, manufactured mobile homes and/or trailer coaches, and the use of land for trade, industry, residence, recreation, or other purposes and for such purposes to divide the area of the Township into districts or zones.

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SECTION 1: GENERAL PROVISIONS¹

1.01	Title
1.02	Applicability
1.03	Jurisdiction
1.04	Interpretation and Conflicts
1.05	Validity and Severability
1.06	Conformance
1.07	Transitional Rules
1.08	Approved Water Supply and Sewage Disposal Facilities
1.09	Restoration of Unsafe Buildings

1.01 TITLE

This Resolution shall be known and may be cited and referred to as the “Howland Township Zoning Resolution,” or as the “Zoning Resolution of Howland Township,” except as referred to herein, where it shall be known as “this Resolution.”

1.02 APPLICABILITY

This Resolution has been passed under the authority granted to the Township under Section 519.01 et seq. of the Ohio Revised Code and embraces the provisions thereof regarding enforcement and penalties for violations.²

1.03 JURISDICTION

The provisions of this Zoning Resolution shall apply to all land, land development, use of all structures, and uses of land within the unincorporated areas of Howland Township, Trumbull County, Ohio³.

1.04 INTERPRETATION AND CONFLICTS

- A. The legally effective provisions of this Resolution are the regulations, regulations incorporated by reference, procedures, and the Official Zoning Map. Titles, headings, and illustrations are not regulatory.
- B. This Resolution shall not be interpreted as interfering with, abrogating, or annulling any ordinances, resolutions, regulations, or permits previously adopted or issued by Howland Township except where such ordinances, resolutions, regulations, or permits are in conflict with this Resolution or amendments hereto, in which event this Resolution or amendments hereto shall prevail.
- C. Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provision of law or any rules or regulations, other than zoning regulations, adopted or issued pursuant to law relating to the construction and use of buildings or premises.
- D. In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements.
- E. Where provisions of this Resolution are inconsistent with one another, the more restrictive provision shall govern.
- F. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, resolutions, or restrictions, the provisions of this Resolution shall control; however, where the provisions of this Resolution are less restrictive, the more restrictive provision of other laws, rules, regulations, restrictions, or resolutions shall control.

¹ Effective January 11, 2014

² Added July 21, 2017

³ Added July 21, 2017

- G. This Resolution is not intended to interfere with or abrogate any easements, covenants, or agreements between parties, provided that wherever this Resolution proposes greater restrictions than those imposed or required by such easements, covenants, or agreements between parties, the provisions of this Resolution shall govern.
- H. In no case shall the Township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.⁴

1.05 VALIDITY AND SEVERABILITY

Each section, sub-section, provision, requirement, regulation, or restriction established by this Resolution, or any amendment hereto, is independent, and the holding of any part to be unconstitutional, invalid, or ineffective for any reason shall not effect nor render invalid the Resolution or amendments hereto as a whole or any part thereof, except the particular part so declared to be unconstitutional, invalid, or ineffective.

1.06 CONFORMANCE

- A. No building or other structure shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used, in violation of this Resolution or of any amendment or supplement hereto.
- B. Transplanted buildings or structures moved upon a parcel of land in Howland Township shall be considered the same as a building or structure originally constructed thereon, and shall meet all the requirements in this Resolution before said building or structure is occupied or used.
- C. All structures shall be constructed in accordance with the Ohio State Building Code and the Trumbull County Building Code.

1.07 TRANSITIONAL RULES⁵

- A. Any violation under previous zoning resolutions that applied to the Township prior to the adoption of this Resolution shall continue to be a violation under this Resolution and is subject to penalties and enforcement under Section 20.08 Enforcement, unless the use, development, construction, or other activity complies with the provisions of this Resolution.
- B. Any legal nonconformity under any previous zoning resolutions that applied to the Township prior to the adoption of this Resolution shall continue to be a legal nonconformity under this Resolution, as long as the situation that resulted in the nonconforming status under the previous resolutions continues to exist.
- C. If a legal nonconformity under any previous resolutions that applied to the Township prior to the adoption of this Resolution becomes conforming because of the adoption of this Resolution, then the situation will be considered conforming and shall no longer be subject to the nonconforming use regulations.
- D. Any building, structure, or development for which a zoning certificate was issued prior to the effective date of this Resolution may be completed in conformance with the issued certificate and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this Resolution. Such building, structure, or development shall be considered a legal nonconforming.
- E. Any application for a project where the zoning certificate has expired shall meet the standards of this Resolution.

1.08 APPROVED WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES⁶

- A. It shall be unlawful to locate, erect or construct any building or structure to be used for human habitation without provision of an approved water supply and approved sanitary sewer or home sewage treatment system.

⁴ Added July 21, 2017

⁵ Added July 21, 2017

⁶ Added July 21, 2017

- B. On-site sanitary waste treatment may be used only when the Trumbull County General Health District approves an Application to Construct or Replace a Household Sewage Treatment System or the Ohio Environmental Protection Agency grants a Wastewater Permit to Install (PTI) on commercial structures.
- C. On-site, private water systems (wells and, holding tanks, ponds, cisterns) may be used only upon approval of the Trumbull County General Health District and the Ohio Department of Health.

1.09 RESTORATION OF UNSAFE BUILDINGS⁷

Nothing herein shall be construed as preventing the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Trumbull County Department of Building Inspections or from complying with the department's lawful requirements.

⁷ Added July 21, 2017

SECTION 2: ESTABLISHMENT OF ZONING DISTRICTS⁸

- 2.01 Purpose
- 2.02 Establishment of Zoning Districts
- 2.03 Official Zoning District Map
- 2.04 Interpretation of District Boundaries
- 2.05 Vacation of Public Ways

2.01 Purpose

In order to promote public health, safety, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with a comprehensive plan, the Board of Trustees of Howland Township find it necessary and advisable to regulate the location and size of buildings and other structures, percentages of lot areas which may be occupied, set-back building lines, sizes of yards, courts, and other open spaces, the use of buildings and other structures including the use of land for trade, industry, residence, recreation, or other purposes and for such purposes to divide the area of the Township into-zoning districts.

2.02 Establishment of Zoning Districts

Zoning Districts for Howland Township		
District Designation	District Name ⁹	Former District Name
R-1	SINGLE-FAMILY RESIDENTIAL	SINGLE-FAMILY RESIDENTIAL ONE
R-2	SINGLE and TWO-FAMILY RESIDENTIAL	SINGLE-FAMILY RESIDENTIAL TWO
R-A-1	MULTI-FAMILY RESIDENTIAL (3-6 FAMILY UNITS)	RESIDENTIAL APARTMENTS (3-6 FAMILY UNITS) ¹⁰
R-A-2	MULTI-FAMILY RESIDENTIAL (6 OR MORE UNITS)	RESIDENTIAL APARTMENTS (6 OR MORE UNITS) ¹¹
R-CH	RESIDENTIAL CLUSTER	RESIDENTIAL CLUSTER HOME ¹²
PUD	PLANNED UNIT DEVELOPMENT ¹³	
CRD-OI	CORRIDOR REVIEW DISTRICT – OFFICE/ INSTITUTIONAL ¹⁴	
CRD-1	CORRIDOR REVIEW DISTRICT 1 ¹⁵	
CRD-2	CORRIDOR REVIEW DISTRICT 2 ¹⁶	
C	COMMERICAL	
I	INDUSTRIAL AND MANUFACTURING	

⁸ Added July 21, 2017

⁹ District name changes July 21, 2017

¹⁰ Added 5/1996

¹¹ Added 5/1996

¹² Amended 11/2004

¹³ Amended 11/2004

¹⁴ New District 10/1997

¹⁵ Added 5/1996

¹⁶ Added 5/1996

2.03 OFFICIAL ZONING DISTRICT MAP .

The Boundaries of these districts are hereby established as shown on the Official Zoning Map of the unincorporated area of Howland Township, Trumbull County, Ohio. Such map is hereby made part of this resolution and any amendments thereto. The Official Zoning Map and all notations and references and other matters shown thereon, shall be and are hereby made part of this resolution and amendments thereto. The Official Zoning Map is properly attested and shall remain on file in the office of the Howland Township Zoning Administrator and the office of the Howland Township Trustees.

2.04 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainly exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following shall apply:

- A. The district boundaries of the Official Zoning Map are intended to follow either street or lot lines, and where the districts designated on the map are bounded approximately by such street or lot lines.
- B. Where the district boundaries are indicated to be approximately parallel to the street centerline or right-of-way of streets, such district boundary shall be construed as being parallel thereto and at such distance there from as indicated on the map. If no distances are given such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- C. Where a district boundary does not follow a street or lot line, the district boundary lines shall be determined by the use of the scale shown on the Official Zoning Map.

2.05 VACATION OF PUBLIC WAYS:

Whenever any street or public way is vacated in the manner authorized by law the Zoning Districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations, and all areas included in the vacation shall thereafter be subject to all regulations of the extended Districts.

SECTION 3: GENERAL DEVELOPMENT STANDARDS ¹⁷

- 3.01 Lot Measurements and Requirements
- 3.02 Percentages and Fractions
- 3.03 Corner Lots
- 3.04 Consolidation of Lots
- 3.05 Common Drives
- 3.06 Irregular Shaped Lots
- 3.07 Building Setback Lines
- 3.08 Clear Sight Triangle

3.01 Lot Measurements and Requirements

- A. Distance Measurements:
Unless otherwise stated, distances specified in this Resolution are to be measured as the length of an imaginary straight line joining points.
- B. Lot Area
The computed area of a lot is contained within the lot lines of a single lot excluding any public right-of-way. Where the lot lines extend into a public right-of-way or private street, the area of the lot lying within the public right-of-way or private street shall not be included as part of the lot area for the purposes of this Resolution.
- C. All portions of every lot shall have a minimum of 20 feet of lot width at every point of the lot, unless otherwise approved by this Resolution such as in a PUD or in a non-residential zoning district. In addition, all lots must meet the minimum site development standards established for each zoning district.

3.02 Percentages and Fractions

- A. When a measurement results in a fractional number, any fraction of less than $\frac{1}{2}$ shall be rounded down to the next lower whole number and any fraction of $\frac{1}{2}$ or more shall be rounded up to the next higher whole number.
- B. Any fractional percentage of less than 0.5% shall be rounded down to the next lower whole number and any percentage of 0.5% or greater shall be rounded up to the next higher whole number.

3.03 Corner Lots

- A. Where a lot is considered a corner lot, the required minimum front yard setback shall be provided on each street unless otherwise specified in this resolution.
- B. The narrowest lot line opposite the public right-of-way shall be the rear lot line and rear yard setbacks shall apply.
- C. The longest lot line opposite the public right-of-way shall be the side lot line and side yard setbacks shall apply.
- D. All corner lots created after the effective date of this Resolution shall have a minimum lot area not less than 150 percent of the minimum lot area requirement of the applicable zoning district.
- E. The minimum required lot width of a corner lot in an R-1 or R-2 zoning district shall be increased by an amount equal to the depth of the required rear yard setback of the applicable zoning district.

¹⁷ Added July 21, 2017.

- F. A principal structure in any residential district (R-1, R-2, R-A-1, R-A-2) on any corner lot shall be required to have the same set-back distance from all street right of way lines as is required for the front yard of the zoning district.
- G. An accessory building on a corner lot shall be situated no closer to the side street property boundary than fifty (50) percent of the lot width or the setback distance of the primary structure from the side street property boundary, whichever is less.
- H. The minimum required front yard setback on the side street of a corner lot in the Commercial “C” or Industrial and Manufacturing “I” zoning districts can be reduced up to fifty percent (50%).

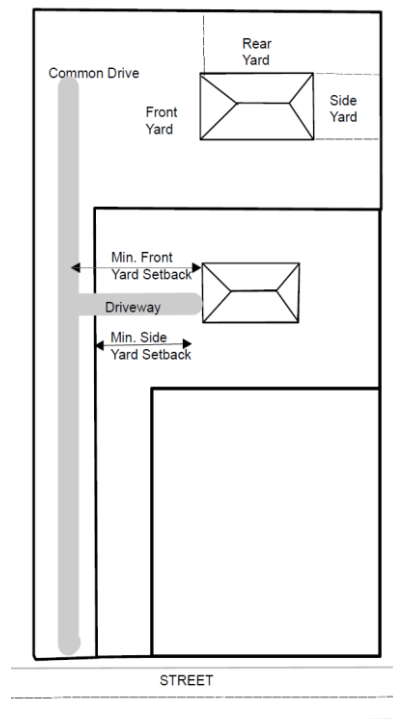
3.04 Consolidation of Lots

Where two or more lots are proposed to be developed in a single development plan, the lots shall be consolidated into a single lot. The consolidated lot shall be recorded.

3.05 Common Drives

- A. Common drives that provide access to two (2) or more lots shall be considered a public street for the purposes of establishing minimum setbacks and yard requirements.
- B. Corner lots having frontage on a common drive as well as a public street shall not be included in the calculation to determine the number lots served by the common drive and shall not be subject to requirements of this Section unless the principal use gains primary access from the common drive.
- C. There shall be a minimum setback equal to the minimum front yard setback of the applicable zoning district between the common drive and the principal structure.
- D. There shall be a minimum side yard setback between the principal structure and the side lot line.
- E. The area between the principal building and the common drive shall be considered the front yard.
- F. The creation of a common drive or a public street shall be designed so that the minimum setback requirements of any existing dwelling shall be maintained and that the new drive shall not create a nonconformity.

Common Drive Illustration

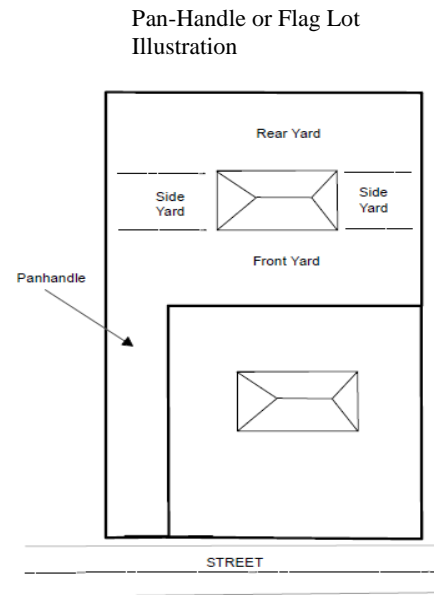


3.06 Irregular Shaped Lots

A Where any front, rear or side lot line is not apparent within the definition of this Resolution, the Zoning Administrator shall indicate such on all proposed irregularly shaped lots. The identification of the setback lines shall be part of and recorded in a plat.

B Pan Handle (Flag) Lots:

- 1 The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot.
- 2 For panhandle lots that are not subject to the common drive requirements of Section 3.05 of this resolution, there shall be no front yard setback requirements from the driveway
- 3 The panhandle portion of the lot shall not be included in the calculation of the minimum lot area.
- 4 The panhandle portion of the lot shall not be used for storage nor shall any structures be permitted in such portion of the lot.



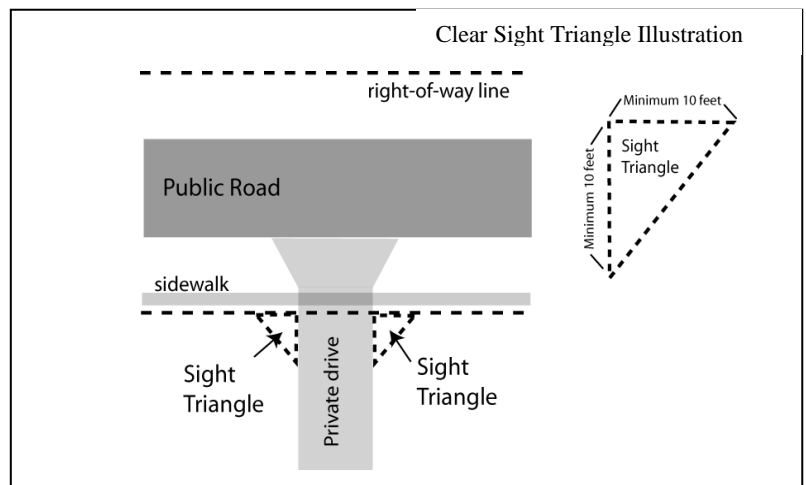
C Double Frontage Lots are prohibited.

3.07 Building Setback Lines

- A. Minimum setback lines are established within each zoning district.
- B. In a platted residential subdivision and where there is now an existing building line scheme that is either in excess of or less than the required minimum front setback distance required by that zoning district, the minimum front setback distance line for new construction shall be required to conform to the greater building line scheme as defined as the line existing within five hundred (500) feet of the subject property and uninterrupted by an intersection.
- C. In the Commercial “C” and Industrial and Manufacturing “I” districts, the minimum side yard setback shall be ten (10) feet and shall be maintained as green area. Wherever an office, commercial, or industrial use abuts a residential dwelling, a solid buffer is required to block the view of the non-residential use from the residential dwelling.
- D. For every building erected in the Commercial “C” and Industrial and Manufacturing “I” districts, the minimum rear yard setback shall be ten (10) feet. Whenever a non-residential use abuts a residential dwelling, a solid buffer is required to block the view of the non-residential use from the residential dwelling.

3.08 Clear Sight Triangle

Sight triangles at points of ingress and egress shall be free of plantings, signs or other objects that will obstruct traffic views. Minimum dimensions of sight triangles shall be as illustrated in Figure 3.08-1. Clear visibility for drivers shall be maintained in the area between the heights of 3.0 to 8.0 feet above the centerline of grades of the intersecting road surface.



SECTION 4: RESIDENTIAL ZONING DISTRICTS¹⁸

4.01	Purpose
4.02	Zoning Districts
4.03	General Provisions
4.04	Permitted Uses Summary and Table
4.05	Development Standards
4.06	Use Specific Regulations
4.07	Parking of Certain Vehicles
4.08	Review Requirements and Process

4.01 PURPOSE

- A. To provide for the appropriate location for residential development that is consistent with the Howland Township Comprehensive Community Plan, public health and safety standards established by this Resolution and other appropriate government entities.
- B. To ensure that there is ample open space and privacy for residential dwellings and to prevent the overcrowding of a residential lot.
- C. To preserve or enhance the character of existing neighborhoods and to protect residents from the undesirable effects of noise, traffic congestion, overcrowding, and environmental impacts.
- D. To provide for a range of housing options to serve the long-term needs of the Township.
- E. To provide for appropriate non-residential uses that demonstrate that their impact on the residential district with regards to traffic congestion, air quality or other environmental impact, privacy, neighborhood tranquility, is insignificant.
- F. To provide for appropriate accessory uses which enhance the neighborhood experience and not detract from it.

4.02 ZONING DISTRICTS

A. **R-1 Single Family Residential District**

The R-1 Residential District is to provide for detached single-family dwellings on land where both sanitary sewers and public drinking water are available. The requirements of the Trumbull County Health Department for lot sizes shall prevail if sanitary sewers and public drinking water are not available, except that 12,000 square feet shall be the absolute minimum.

B. **R-2 Single and Two- Family Residential District**

The R-2 Residential District is to provide for single-family detached and two-family where both sanitary sewers and public drinking water are available. The requirements of the Trumbull County Health Department for lot sizes shall prevail if sanitary sewers or water are not available, except that 12,000 square feet for a single-family dwelling unit and 16,000 square feet for a two-family dwelling unit shall be absolute minimums.

C. **R-A-1 Multi-Family Residential District**

The R-A-1 Multi-Family Residential District is intended to provide for a mixture of housing types that include single-family detached dwellings, two-family dwellings, and multi-family dwellings not exceeding six (6) family units per building where both sanitary sewers and public drinking water are available.

D. **R-A-2 Multi-Family Residential District**

The R-A-2 Residential District is intended to provide for multi-family residential housing types where both sanitary sewer and public drinking water are available. This district allows for a mixture of housing types

¹⁸ Added July 21, 2017

including multi-family dwelling with more than six (6) dwelling units to a building, multi-family buildings with three (3) to six (6) dwellings units, two-family dwellings and single-family dwellings.

E. **R-CH Residential Cluster**

The Residential Cluster District is intended to encourage the efficient use of land and resources, promote greater efficiency in the provision of public services, and support the residential development of properties adjacent to commercial areas and /or other high intensity land uses.

4.03 GENERAL PROVISIONS

- A. A Zoning Certificate shall be obtained prior to new construction, the change of use, or alteration of any structure or property within the residential zoning districts. A Zoning Certificate shall be issued only upon the review and approval of the required application.
- B. Modifications of existing structures and uses shall be in full compliance with this Resolution.
- C. All structures or buildings having an overall first floor area of greater than 200 square feet shall have an approved foundation according to the rules and regulations of the Trumbull County Building Inspection Department.
- D. All buildings and lots shall meet the minimum site development standards set forth herein.
- E. In order to rezone a property to an R-2, R-A-1, R-A-2, or R-CH, a public or approved private water system and centralized sewer system shall be available for the development.
- F. The Trumbull County General Health District may establish larger minimum lot area requirements than established herein for structures that require on-site wastewater treatment.
- G. All permitted uses shall be located on an individual and separate lot with the following exceptions:
 - 1. Two dwelling units may be located on a single lot within the R-2 District.
 - 2. Multiple dwelling units may be located on a single lot for permitted uses within the R-A-1, R-A-2, and R-CH Districts.
- H. **Allowable Projections into the Required Yards**
 - 1. General: Eaves, cornices or other similar architectural features shall be permitted to project into a required yard no more than 12 inches. Chimneys shall be permitted to project no more than 2 feet, provided the width of any side yard is not reduced to less than 6 feet.
 - 2. Front yards: Open, roofed or unroofed, platforms or landings, stoops and porches shall be permitted to extend no more than 10 feet into the required front yard, provided such porch does not extend above the first level and is no more than 6 feet above grade at any point. An exception may be made for a handicap accessory ramp.
- I. **Attached Accessory Buildings** shall be considered attached and subject to these site development standards when they meet any of the following:
 - 1. The structure is an integral part of a principal building and not separated by an open porch, walkway, breezeway, or other similar open structure; or
 - 2. The structure is connected by a permanently enclosed porch, walkway, breezeway, or other similar enclosed structure.
- J. **Separation between buildings**
 - 1. There shall be at least ten (10) feet of clear space between a residential dwelling and accessory building on the same lot.

2. There shall be at least ten (10) feet of clear space between accessory buildings whether located on the same lot or on adjacent lots.
 3. There shall be at least twenty (20) feet of clear space between an accessory building and any residential dwelling on an adjacent lot.
- K. **Skirting Requirements for Residential Structures.** All dwellings, including manufactured homes, shall have the under floor crawl space entirely enclosed with either a complete perimeter foundation or approved skirting material. The perimeter foundation or skirting material shall be installed at the time the home is constructed or set. Where skirting is used, the following shall apply:
1. Skirting must be constructed of a durable rigid material such as brick, concrete, vinyl, wood, aluminum, or steel, and shall be suitable for exterior exposure. Skirting shall be of material manufactured for the purpose
 2. Skirting shall be of such surface design and color as to appear to be a common masonry foundation material such as brick, stone, or split face block. Skirting which appears to be vinyl, wood, metal or other material not commonly used for a foundation is not permitted.
- L. **Driveways.** Driveways are restricted to that area of a lot reserved for ingress and egress to the main structure and to detached garages and shall consist of a hard surface material such as gravel, asphalt, concrete, brick, stone, or porous pavers. Circle driveways and turnarounds are permitted in the front yard area.
- M. **Off-Street Parking.** All off-street parking shall be regulated by the provisions of Section 17 of this resolution, unless otherwise indicated.
- N. **Secondary Access Road.** Residential developments with 25 or more residential dwelling units require a secondary public access onto the site for the purpose of public welfare and safety.
- O. **Changes to an approved site plan.** All multi-family residential projects shall not deviate from the approved site plan. Any proposed modification of the plan shall be reviewed by the Zoning Administrator to determine compliance with the zoning resolution.
- P. **Project timeframe.** All multi-family residential projects shall be started within one year of the date of approval, and shall not take more than five years from the date of approval to complete. Failure to begin construction within one year will result in the voiding of the project.
- Q. **Undeveloped areas.** All areas designed for future expansion or that are not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and attractive manner, or shall be kept in its pre-development natural state.
- R. **Storm Water and Site Development Standards.** The latest storm water and site development standards shall apply to all projects in all residential zoning districts, when applicable.
- S. **Zoning certificate issuance.** Zoning certificates for construction of each unit shall not be issued until the final development plan is approved and all utilities and other improvements have been installed and inspected by the authorizing agencies. Each structure within the project will require an individual zoning certificate.

4.04 PERMITTED USES SUMMARY and TABLE

- A. **Permitted Use Table Summary.** Table 4.04 Permitted Use sets forth the uses allowed within each zoning district.
1. **Permitted Uses**
 - a A “P” in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this resolution.
 - b Permitted uses are approved administratively by the Zoning Administrator through the zoning certificate procedure.
 2. **Conditional Uses**
 - a A “C” in a cell indicates that a use may be permitted if approved through the conditional use process. Conditional uses may be subject to use-specific standards as identified in the second column of Table 4.04 Permitted Use Table. Conditional uses are subject to all other applicable regulations of this resolution.
 - b The existence of additional standards in this resolution shall not be implied to be the only standards the use is required to meet. All uses that are permitted as a conditional use shall be subject to the general standards for conditional uses in Section 20.02
 3. **Permitted Uses with Standards**
 - a A “PS” in a cell indicates that a use category is allowed by right in the respective zoning district if it meets the additional standards set forth in the numerically-referenced sections. Permitted uses with standards are subject to all other applicable regulations of this resolution.
 - b Uses permitted with standards under this category are approved administratively by the Zoning Administrator through the zoning certificate procedure.
 4. **Prohibited Uses**

A “NP” and shaded cell indicates that a use is prohibited in the respective zoning district.
 5. **Numerical References**

The numbers contained in the “Reference to Specific Standards” column are references to additional standards and requirements that apply to the use listed.
 6. **Unlisted Uses**

If an application is submitted for a use that the Zoning Administrator determines is not defined or established in Table 4.04 Permitted Uses Table, the applicant may choose to take one of the following actions:

 - a The applicant may appeal the determination of the Zoning Administrator to the Board of Zoning Appeals pursuant to Section 20.02 of this resolution.
 - b The applicant may submit an application for a zoning text amendment to include the proposed use and applicable standards pursuant to Section 20.04 of this resolution.
 - c The applicant may present their case to the Zoning Commission to request that the Township initiate a text amendment to address the proposed use and applicable standards.

Permitted Uses Table 4.04

Permitted Residential Uses							
P= Permitted Use		Reference to Specific Standards	R-1	R-2	R-A-1	R-A-2	R-CH
PS = Permitted with Additional Standards							
C = Conditional Use							
NP = Prohibited							
One Single Family Residential Dwelling			P	P	P	P	PS
Two-Family Residential Dwelling	Section 4.05 (B)(C)(D)		NP	PS	PS	PS	PS
Multi-Family Dwelling (3 to 6 dwelling units within a single structure)	Section 4.05 (C)(D)		NP	NP	PS	PS	PS
Multi Family Dwelling (more than 6 dwelling units within a single structure)	Section 4.05 (C)		NP	NP	NP	PS	NP
Permanently Sited Manufacturing Homes	Section 4.06 (C)		PS	PS	PS	PS	PS
Non Residential Uses							
Cemeteries	Section 4.06 (B)(1)		PS	PS	PS	PS	PS
Educational Facilities	Section 4.06(F)		C	C	C	C	C
Government Facilities	Section 4.06(F)		PS	PS	PS	PS	PS
Hospital, Hospice, Home for the Aging (other than a licensed residential facility)	Section 4.06 (F)		C	C	C	C	C
Licensed Small Residential Facility	Section 4.06 (E)		PS	PS	PS	PS	PS
Licensed Large Residential Facility	Section 4.06 (E)		NP	C	C	C	C
Passive Recreation and Conservation Areas			P	P	P	P	P
Place of Worship	Section 4.06 (F)		C	C	C	C	C
Recreational Facilities Type A and Type B	Section 4.06 (F)		C	C	C	PS	PS
Signs	Section 10		PS	PS	PS	PS	PS
Telecommunication Towers and Facilities	Section 30 and ORC Section 519.211		C	C	C	C	C
Type-B Family Day Care			P	P	P	P	P
Miscellaneous Uses							
Accessory Structures & Uses	Section 4.06 (A)		PS	PS	PS	PS	PS
Farm Stand	Section 4.06 (B)(2)		PS	PS	PS	PS	PS
Home Occupations	Section 4.06 (D)		PS	PS	PS	PS	PS
Keeping of Animals	Section 4.06 (B)(3)		PS	PS	PS	PS	PS
Parking of Certain Vehicles	Section 4.07		PS	PS	PS	PS	PS
Satellite Dish	Section 4.06 (B)(4)		PS	PS	PS	PS	PS
Solar Panel	Section 4.06 (B)(5)		PS	PS	PS	PS	PS
Swimming Pool, Hot Tubs	Section 4.06(B)(6)		PS	PS	PS	PS	PS
Temporary Uses	Section 4.06(B)(7)		PS	PS	PS	PS	PS

4.05 DEVELOPMENT STANDARDS

A. Residential Site Development Standards – Table 4.05

RESIDENTIAL ZONING DISTRICTS					
	R-1	R-2	R-A-1	R-A-2	R-CH
MINIMUM Lot Area	12,000 square feet per dwelling	12,000 square feet per single-family dwelling 16,000 square feet per two-family dwelling	22,500 square feet 7,500 square feet per dwelling unit	43,560 square feet or one acre 5,000 square feet per dwelling unit	217,800 square feet or 5 acres 9,594 sq. ft. per single family dwelling. 6,396 sq. ft. per two-family dwelling. 6,000 sq. ft. per multi-family dwelling.
MINIMUM Lot Width @ Front Setback Line	Eighty (80) feet		Two hundred (200) feet at front setback line. Eighty (80) feet at street right-of-way.		Not Applicable
MINIMUM Front Yard	Forty (40) feet from road right-of-way line.		Forty (40) feet from public right-of-way line. Twenty (20) feet from edge of private roadway.		
MINIMUM Side Yard	A total of twenty (20) feet in accumulated side yards. One side yard shall be at least 8 feet.		Thirty (30) feet		See MINIMUM Distance Between Adjacent Residential Dwelling
MINIMUM Rear Yard	Forty (40) feet		Sixty (60) feet		A Fifty-foot (50') perimeter yard is required.
MINIMUM Living Area Per Dwelling Unit Exclusive of Basement.	Twelve hundred (1,200) square feet	1,200 square feet for a single family dwelling 900 square feet for a two-family dwelling unit	Nine hundred (900) square feet	Not Applicable	Twelve hundred (1,200) square feet for single family dwelling. Nine hundred (900) square feet for two-family and multi-family dwelling.
MINIMUM Distance Between Adjacent Residential Dwellings	Twenty (20) feet		See MINIMUM side and rear yards.		Sixteen (16) feet between sides of single and two-family dwellings and twenty-five (25) feet between multifamily dwellings. Thirty (30) feet between rears of dwellings.
MAXIMUM Structure Height	Thirty-five (35) feet			Sixty (60) feet	Thirty-five (35) feet for single and two-family dwelling and forty-five (45) feet for multi-family dwelling
MINIMUM and MAXIMUM SIDE DIMENSION of principal dwelling	Twenty-four (24) feet Minimum		Minimum - Twenty-four (24) feet Maximum - Two hundred fifty (250) feet		Not Applicable
MINIMUM Buffer Zone	Not Applicable		Required along the entire property boundary that is adjacent to any other residential use regardless of jurisdiction. The required buffer zone shall be twenty (20) feet of a side yard and thirty (30) feet of a rear yard.		Required along the entire property boundary that is adjacent to any other residential use. The required buffer zone shall be half the required perimeter yard requirement.
MINIMUM Open Space	Not Applicable		Fifteen (15) percent		Twenty-five (25) percent

B. R-2 District Development Standards

1. **Entrances** shall be accompanied by a covered porch or stoop to shelter and clearly express the entrance.
2. **Blank Walls** on end and rear elevations are prohibited.
3. **Prominent Garages** on two-family and multi-family structures shall not project more than 8 feet from the front wall elevation.
4. **Minimum Landscaping** One deciduous tree that is a minimum of two and one-half (2.5) inches as measured four and one-half (4 ½) feet above ground level, and that is indigenous to the soils in the area and six (6) shrubs shall be planted for each dwelling unit. This requirement is in addition to minimum buffer requirements.
5. **Façade Layering.** Elevations shall be articulated in ways that give the appearance of multiple façade layers which add depth and avoid the appearance of a flat façade. Suggested techniques include wall plane projections, porches, bay windows, roof projections, and roof eave extensions.
6. **Separation of Driveways.** Projects that involve more than four (4) dwelling units where the driveways and parking pads are located in front of abutting garages (used by separate units) shall be separated by a landscaped strip not less than four feet (4') in width.

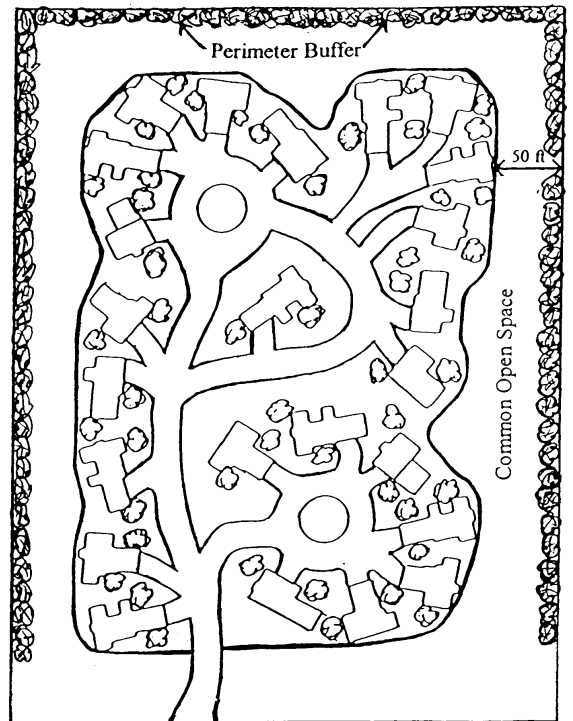
C. Multi-Family Residential District (R-A-1, R-A-2, and R-CH) Development Standards

1. **Minimum Yards:**
 - a. For each proposed multifamily building, one front yard, two side yards, and one rear yard shall be designated to promote access to light, air, and open space and circulation for pedestrians and safety forces. Where two side yards, two rear yards, or a side and a rear yard of two buildings abut, only the one yard which has the greater dimension shall be required.
 - b. Perimeter yard is not required where a perimeter yard fronts a public right-of-way or private street in which case that yard area shall be interpreted as a front yard.
 - c. In an R-CH district, the Zoning Commission or Township Trustees may relax the perimeter requirements for any portion of a residential cluster development that directly abuts non-residential land.
2. **Separation of Driveways.** The driveways and parking pads located in front of abutting garages (used by separate units) shall be separated by a landscaped strip not less than four feet (4') in width.
3. **Minimum Parking Area Setback:** No parking area with more than four parking spaces shall be located closer than:
 - a. Thirty feet (30') from front lot line; and
 - b. Thirty feet (30') from side and rear lot lines if adjacent to R-1 or R-2 District; or ten feet (10') if adjacent to other zoning district; and
 - c. Sixty feet (60') from rear lot line if adjacent to R-1 or R-2 District.
4. **Buffer Requirements.**
 - a. Failure to install the perimeter buffer within twelve (12) months of the issuance of the Zoning Certificate shall be deemed a violation of this resolution.
 - b. Where there is a required buffer, it shall be designed to block the view of the multi-family use from adjacent residential use and shall be designed as an all-season buffer and at minimum shall include:

- i. A six-foot (6') high fence or wall or earth mound or berm; and three (3) evergreen trees and six (6) evergreen shrubs for every sixty (60) lineal feet along the lot line requiring the buffer; or
- ii. In lieu of a fence, wall or earth mound, an applicant can elect to install six (6) evergreen trees planted in an offset manner to provide a solid buffer, and ten (10) shrubs for every sixty (60) lineal feet of lot line requiring the buffer;
- iii. Earth mounds and berms at minimum shall be:
 - (a) Depicted in the buffer and landscaping plan and the grading plan.
 - (b) Designed with physical variations in height and alignment.
 - (c) Designed to have minimal disturbance to existing trees on site.
 - (d) Covered with adequate ground cover to prevent erosion of the mound.
 - (e) Arranged in an irregular pattern to achieve a natural appearance.
- c. Existing healthy vegetation may be used to satisfy this requirement in part and upon evaluation and agreement by the Zoning Administrator and as long as the intent of the buffer requirement is achieved.
- d. Where a parking area is constructed adjacent to the front yard area of an R-1 or R-2 District, a fence or hedge row not exceeding a height of three feet (3') shall be installed that blocks the view of parked cars and headlights

5. **Minimum Open Space.** Where there is a minimum open space requirement, the proposed area shall be devoted to preservation of land in its natural state, outdoor recreation, or other common open spaces.

- a. The proposed open space shall be designated on buffer and landscaping and site plans for the proposed project. The plans shall include a statement on the methods to be employed that assure the continued preservation and/or maintenance of the open space.
- b. Open space shall be designated and located to be integrally related to the overall design of the development with respect to its location, distribution, size, and shape so as to serve the intended purpose of accessibility and convenience for the maximum number of residents possible.
- c. The open space shall not include minimum space between buildings, space between parking and buildings, between parking and property lines, between property lines and buildings, or any other such land fragments.
- d. Detention (dry) ponds shall not be included in this calculation. Retention (wet) ponds may be included, if they will be extensively landscaped and enhanced (i.e. split-rail fencing), and include aeration fountains.



- e. The required open space in an R-CH district should be primarily arranged so as to surround the residential clusters. The residential clusters should be centered on the property. And no individual, non-contiguous segment of the common open space shall be less than one (1) acre. Where warranted by topographic constraints, the required open space may be located in areas other than the perimeter area.
 - f. Public utility or similar easements are not acceptable as common open space unless such land or easement is usable for passive recreation.
 - g. The long-term maintenance of the common open space shall be specified by the applicant prior to approval. Common open space shall be either held in common ownership by the owners of the development, dedicated to a homeowner's association, or consideration may be given to another management option, acceptable to Howland Township, that ensures the long-term maintenance and continued use and enjoyment of the open space for the residents of the development.
 - h. Legal articles relating to the organization of the homeowners or condominium association are subject to review and approval by Howland Township.
6. **Design Standards.** In order for the proposed development to meet this standard, the following elements must be shown on proposed architectural elevations:
- a. Materials such as brick, stone, cultured stone, and stucco, or other materials that have a similar appearance shall be utilized by a minimum of thirty (30) percent of the exterior of the structure, exclusive of dormers, windows, doors and gable ends. The remaining portion may be finished with vinyl siding, wood shiplap siding, wood shake shingles, or other faux materials that provide a similar appearance.
 - b. All exposed foundations shall be finished in brick or stone masonry.
 - c. Four-sided architecture shall be utilized, meaning that all four elevations shall provide architectural detailing that includes, but is not limited to, windows, doors, porches, and other features.
 - d. Elevations shall be articulated in ways that give the appearance of multiple façade layers that add depth and avoid the appearance of flat residential facades. Suggested techniques include, but may not be limited to, wall plane projections and breaks, porches, balconies, bay windows, roof projections and extending of the roof eaves.
 - e. The exterior walls of no more than two (2) abutting dwelling units (exclusive of attached garages) shall be aligned in the same plane.
 - f. Variations in the setbacks of dwellings in a multifamily building are encouraged.
 - g. **Roof Lines.**
 - i. Multifamily dwellings constructed with three (3) or fewer stories shall have sloped roofs
 - ii. Not more than two (2) abutting dwelling units shall share the same roof.
 - iii. Variations in roof alignments and roof features such as dormers are encouraged.
 - iv. Rooftop mechanical equipment shall be shielded or screened from public view with the exception of solar panels.
 - h. **Garages:**
 - i. Garages may be attached or detached.
 - ii. All accessory structures must either be architecturally incorporated into the building design, or, when detached, designed to be architecturally compatible with the building design.

- iii. At least one horizontal panel in every garage door of a prominent garage shall include windows, or the appearance of windows, across the full width of the door.
 - iv. In an R-CH district, each unit shall be provided at least two parking spaces within an enclosed garage facility. Car ports are not permitted.
- 7. **Landscaping.** In order for the proposed development to meet this standard, the following elements must be incorporated into the Landscape Plan for development:
 - a. Extensive tree planting and landscaping shall be utilized at the entrances to the proposed development. Trees, flower beds, and other landscaping shall be utilized within street medians and cul-de-sacs.
 - b. One deciduous tree that is a minimum of two and one-half (2.5) inches as measured four and one-half (4½) feet above ground level, and that is indigenous to the soils in the area and six (6) shrubs shall be planted for each dwelling unit. This requirement is in addition to minimum buffer requirements.
- 8. **Pedestrian Connections.**
 - a. Projects with two or more residential structures shall incorporate walking trails and/or sidewalks into the development site that serve to connect the residential structures.
 - b. All dwelling units shall be connected to the walking trail and/or sidewalk.
 - c. The trail/sidewalk shall connect to open areas throughout the proposed development, and to adjacent parks, recreation areas, and open spaces if available.
 - d. The trail/sidewalk shall connect to an existing sidewalk in the public right-of-way or to a Priority Pedestrian Corridor as defined in Section 17.06(B)(2).
- 9. **Waste Receptacle Areas.**
 - a. Whenever an area is set aside for the temporary storage of waste materials, garbage, etc., that storage area must be fully enclosed and screened from view with a wall, fence or other structure to a height of six (6) feet.
 - b. This area shall not be located in any front yard.
 - c. This area shall be located at least twenty (20) feet from any adjoining property line.
- 10. **Lighting and Utilities**
 - a. Utility systems shall be located underground. Appurtenances to these systems shall be effectively screened.
 - b. Exterior lighting should enhance building architecture, reinforce entries and illuminate walkways.
 - c. Energy conservation and efficiency should be considered.
 - d. All external outdoor lighting shall consist of cut-off fixtures or down lighting to avoid unnecessary glare.
 - e. A photometric plan is required and shall demonstrate negligible light trespass onto adjacent residential uses.
- 11. **Traffic Impact Analysis.** A traffic impact analysis to identify potential impacts on existing roadways and identify how any effect can be mitigated shall be required when:
 - a. A proposed multi-family project has at least 100 dwelling units including all phases of development or;

- b. Howland Township, or another agency having jurisdiction over the roadway system, determines that the proposed development may exacerbate existing traffic safety issues or may cause new traffic safety issues.
12. **Address System.** All buildings and dwelling unit entries shall be clearly marked with a comprehensive address system. Addresses shall be installed and maintained on all buildings and entries in locations visible from the public or private street using numbers at least six (6) inches in height. Each address shall be lighted.

D. Residential Cluster (R-CH) Special Provisions:

- 1. Residential Cluster “R-CH” zoning may only be implemented at the request of the property owner, the Township Zoning Commission and Trustees shall have greater discretion in requiring aesthetic qualities, amenities, and plan features than would normally be provided under other zoning classifications. If for any reason the Township Trustees determine that development under the existing zoning classification is more beneficial to the community than the proposed cluster home project, the application will be denied.
- 2. An approval of a Residential Cluster “R-CH” project plan will constitute a zone change, the provisions of ORC 519.12 shall apply.
- 3. Before making its recommendation to the Township Trustees, the Zoning Commission shall find that the facts submitted with the cluster home application and presented at the public hearing establish that:
 - a. Any relaxation of standard district requirements for the proposed use as specified in Section 5 of these resolutions, is compensated for by the design features and other amenities incorporated in the final development plan, and will not be detrimental to the health, safety, and welfare of the general public, as expressed in the section at the beginning of this resolution-
 - b. The proposed cluster home project takes advantage of landscape features, buffers, land use layout, and building design features to insure that the project blends in with the surrounding community.
 - c. The proposed streets within the cluster home project are suitable and adequate to carry anticipated traffic, and to accommodate safety service vehicles. In addition, any relaxation of density requirements of the development will not generate traffic in such amounts so as to adversely impact the street network outside of the cluster home project.
 - d. The existing and proposed utility services are adequate for the population densities proposed.
 - e. The Fire Department, Police Department, Public Works Department, County Engineer, County Sanitary Engineer, and County Planning Commission have reviewed the site plan, and have had opportunity to present comments relative to their spheres of authority.
 - f. The proposed development will be initiated within one (1) year and completion of the development will occur within five (5) years of the date of approval.
 - g. The proposed cluster home project meets the spirit and intent of the land use plan recommendations for the area.

4.06 USE-SPECIFIC REGULATIONS

A. Accessory Uses and Structures

1. General Provisions.

Accessory uses and structures are permitted provided:

- a. The building or use is incidental to and customarily found in connection with principal residential dwelling in the district in which it is located; and
- b. The building or use is subordinate to and serves the principal residential dwelling or use; and
- c. It is subordinate in size, area, extent and purpose to the principal residential dwelling or use; and
- d. It is located on the same lot as the principal residential dwelling or use which it serves; and
- e. It is not used as living quarters.
- f. Accessory structures in multi-family districts shall be permitted in conformance with the final approved development site plan.

2. Development Standards

- a. Attached accessory buildings.
 - i. Shall meet all site development standards of the appropriate zoning district.
 - ii. Attached accessory buildings shall not exceed 50% of the habitable floor space of the principal residential dwelling to which it is attached or 576 (24x24) square feet, whichever is greater.
- b. Detached accessory buildings
 - i. Location. Shall be located in rear yard only except that accessory buildings without walls such as pergolas, gazebos and arbors are permitted in a side yard.
 - ii. Carports.
 - (a) Free-standing or stand-alone carports are only permitted in R-A-1 and R-A-2 Districts.
 - (b) Free-standing or stand-alone carports are prohibited in R-1, and R-2 Districts.
 - (c) Carports serving an attached dwelling shall be located to the side or rear of such dwelling.
 - iii. Height.
 - (a) Maximum height of a detached accessory building 200 square feet in size or less shall not exceed twelve (12) feet.
 - (b) Maximum height of a detached accessory building greater than two hundred (200) square feet in size shall not exceed twenty-two (22) feet, however the height shall not exceed that of primary residential structure.
 - iv. Maximum floor area.
 - (a) The total floor area of all detached accessory buildings on a single lot shall not exceed 75% of the habitable floor area of the principal residential dwelling.
 - (b) The total floor area of all detached accessory buildings on un-platted parcels that are two (2) acres in size or greater and on a single lot shall not exceed 125% of the habitable floor area of the principal residential dwelling. No single detached accessory building shall exceed the size and area of the principle dwelling.

- v. Maximum number of accessory buildings.
 - (a) In an R-1 district, no more than three (3) detached accessory buildings are permitted on a single lot, two (2) of which may be used for storage purposes.
 - (b) In an R-2 district, no more than four (4) detached accessory buildings are permitted on a single lot with two (2) dwelling units.
 - vi. Minimum Side Yard Setback. An accessory building greater than two hundred (200) square feet in size shall maintain a minimum side yard setback from the side lot line as identified for the principal structure in the applicable zoning district. An accessory building 200 square feet in size or less shall maintain a minimum side yard setback of five-foot (5') from the side lot line.
 - vii. Minimum Rear Yard Setback. All accessory buildings regardless of size shall maintain a minimum rear yard setback of ten (10) feet from the rear lot line.
3. **Fences and Walls.** Fences and walls are permitted in the front, side and rear yard in residential districts provided:
- a. They do not exceed a maximum height of three (3) feet in a front yard or a side yard of a corner lot.
 - b. They do not exceed a maximum height of six (6) feet in any side and rear yard.
 - c. The finished side of any fence shall be placed so the finished side faces the neighboring property.
 - d. It is not a barbed/razor wire, or electric unless permitted as an agriculture use and then only with adjacent property owners' written consent.
 - e. Fences within the front yard do not consist of chain link.
4. **Hedges, Shrubs, and Trees.** Hedges, Shrubs and Trees planted in the front yard must maintain clear visibility within ten (10) feet of the street right-of way. Vegetation in this area must be maintained between the heights of three (3) feet and eight (8) feet so as to not materially impede vision.

B. Standards for Specific Uses in Residential Districts.

- 1. **Cemeteries.**
 - a. The minimum lot area for any new cemetery is ten (10) acres.
 - b. Any cemetery that exists as of the effective date of this resolution, or amendment thereto may be expanded regardless of the size of the existing lot area.
 - c. Cemeteries may include chapels and other accessory buildings associated with the use.
 - d. Except for office uses incidental to cemetery operation, no business use shall be permitted on the site.
 - e. All maintenance equipment and materials shall be stored in an enclosed building and out of public view.
 - f. Cemeteries shall comply with the minimum standards established by the State of Ohio.

2. **Farm Stands**

- a. Farm stands are permitted in accordance with ORC 519.21 and the following standards:
 - i. Farm stands are prohibited unless at least 50% of the stand's gross income is derived from produce raised on farms owned or operated by the stand operator in a normal crop year.
 - ii. The farm stand shall be located on the same property where the produce is raised.
 - iii. Farm stands shall be set back a minimum of twenty (20) feet from all lot lines.
 - iv. Farm stands shall not exceed one hundred fifty (150) square feet in size including all displays associated with the farm stand.
- b. Farm stands must be removed within fourteen (14) days of the discontinuance of the use.
- c. Any signage located on the site shall not be illuminated and shall be subject to the standards of Section 10: Signs.

3. **Keeping of Animals**

- a. The keeping of exotic animals is prohibited
- b. The keeping of domestic animals may be permitted on lots between one acre and five acres in accordance with ORC 519.21 and the following standards:
 - i. Domestic animals shall not be kept on any lot that is less than one acre.
 - ii. Small domestic animals such as fowl may be kept on a lot one acre or more and at a density equal to one animal for every 5,445 square feet of lot area. Roosters are prohibited.
 - iii. Medium and large domestic animals such as goats, sheep, pigs, cows, and horses may be kept on a lot that is not less than three (3) acres at a density equal to one animal for every acre.
 - iv. Appropriate shelter must be provided to protect animals from the elements and from predators. The shelter must be adequately ventilated and designed to be easily accessed and cleaned and of sufficient size to permit free movement of the animals.
 - v. Adequate fencing must be installed to safely contain the domestic animals inside the rear yard area.
 - vi. All buildings, coops, exterior storage, supplies, and refuse associated with the keeping of domestic animals shall be located in a rear yard and set back a minimum distance of 30 feet from all lot lines and 100 feet from adjacent residential dwellings. It is recommended that manure storage be located at least 100 feet from any drinking water well head.
 - vii. Buildings relating to the keeping of domestic animals on lots less than 5 acres shall comply with the regulations of the appropriate zoning districts with regards to height and area.
 - viii. The keeping of domestic animals shall only be for the enjoyment of the property owner or lessee thereof and respective family, without the payment of any fee.
 - ix. The keeping of domestic animals or household pets for commercial purposes is prohibited.
- c. In no instance shall the keeping of any animal be allowed to become a public or private nuisance.

4. **Satellite Dishes**

- a. Satellite dishes of one meter in diameter or less shall be exempt from these provisions. To the maximum extent possible, the dish should be located in the side or rear yard.

- b. Any satellite dish that is larger than one meter in diameter shall be subject to the following:
 - i. The dish shall be permitted in the rear or side yard and are subject to accessory setback requirements.
 - ii. The dish shall not exceed 15 feet in height measured from the natural grade.
 - iii. The maximum diameter of a dish shall not exceed 10 feet.
 - iv. Fencing or landscaping shall be utilized around the dish or subject property so as to fully screen the dish from view from adjacent properties and street right-of-way.

5. **Solar Panels**

- a. Free standing solar panels shall be limited to a maximum height of ten (10) feet and located in the rear yard where they shall adhere to setback requirements for accessory buildings.
- b. Free standing solar panels shall not exceed fifty (50) square feet in size.
- c. For free standing solar panels, all electrical lines shall be in conduit and all electrical and plumbing lines shall be buried.
- d. Roof-mounted solar panels on the front side of the roof facing the street shall be flush-mounted to the roof.
- e. Roof-mounted solar panels that do not face the street may be mounted at an angle to the roof and shall not extend above the ridgeline of the roof.
- f. For roof or wall-mounted panels, electrical lines shall be in conduit and all plumbing and electrical lines shall be painted in a color scheme that matches as closely as reasonably possible the color of the structure.
- g. Nonfunctioning solar panels shall be removed within 90 days of becoming nonfunctional.

6. **Swimming Pools, Hot Tubs, Spas**

- a. A zoning certificate shall be required for all types of pools, hot tubs, and spas that do not meet the definition of a portable swimming pool.
- b. Swimming pools, hot tubs, spas are permitted in the rear yard in residential districts provided they comply with the following:
 - i. Edge of the pool, hot tub, or spa shall maintain a fifteen (15) foot setback from any side and rear lot line.
 - ii. All outdoor pool structures, including in ground, above ground, or on ground, hot tubs or spas, shall have a barrier which complies with the following:
 - (a) The top of the barrier shall be at least sixty (60) inches above the surface measured on the side of the barrier which faces away from the swimming pool.
 - (b) Where the top of the pool structure is above grade, such as an above ground pool, the barrier may be at the ground level such as the pool structure, or mounted on top of the pool structure. Barrier shall be constructed so as to have no openings, holes, or gaps larger than four (4) inches in any dimension.
 - (c) Access gates to the pool shall be equipped with a locking device. Access gates shall open outward, away from the pool, and shall be self-closing and self-latching.
 - (d) Where the release mechanism for the self-latching device is located less than 54 inches from the bottom of the gate;
 - (i) the release mechanism shall be located on the pool side of the gate at least three (3) inches below the top of the gate and

- (ii) the gate and barrier shall have no opening greater than one-half (1/2) inch within 18 inches of the release mechanism.
- (e) Where an above ground or on ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and means of access is a ladder or steps, then;
 - (i) the ladder to the pool or steps shall be capable of being secure, locked or removed to prevent access or
 - (ii) the ladder or steps shall be surrounded by a barrier.
- (f) Hot tubs and spas with a rigid locking cover need not be enclosed by a sixty (60) inch barrier.

7. Temporary Uses and Structures.

a. General Standards

- i. All temporary uses and structures shall be reviewed in accordance with this section and all other applicable sections of this zoning resolution.
- ii. All temporary uses and structures shall:
 - (a) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
 - (b) Be compatible with the principal uses taking place on the site;
 - (c) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
 - (d) Not include permanent alterations to the site;
 - (e) Not maintain temporary signs associated with the use or structure after the activity ends;
 - (f) Not interfere with the normal operations of any permanent use located on the property; and
 - (g) Contain sufficient land area to allow the temporary use, or structure to occur, as well as adequate land to accommodate the parking and traffic movement.

b. Use-Specific Standards

i. Construction Trailers

- (a) Construction trailers shall be located on the same site or in the same development as the related construction.
- (b) Construction trailers shall be used in conjunction with development subject to a valid zoning certificate.
- (c) Construction trailers shall be removed from the site within thirty (30) days of project completion.
- (d) Construction trailers shall also be removed from the site if construction is abandoned or halted for three or more consecutive months.

ii. Garage and Estate Sales

- (a) Garage or estate sales are permitted at any residential dwelling unit.
- (b) Garage or estate sales require a permit.
- (c) Garage and estate sales are permitted three times per calendar year and not to exceed three consecutive days during a 30-day period.
- (d) Sales are to be conducted during daylight hours only.

iii. Portable Storage Units, Construction Dumpsters, and Portable Toilet Facilities

- (a) Portable storage units shall only be permitted for the following situations:
 - (i) For storage at a nonresidential construction site for a period not to exceed 90 consecutive days;
 - (ii) When necessary to facilitate clean up and/or restoration activities resulting from a fire or natural disaster to a building

or structure for a period not to exceed 180 consecutive days;
or

- (iii) When the occupant of the property is relocating for a period not to exceed 30 consecutive days.
- (b) Any construction dumpster shall only be permitted for a period not to exceed 30 days. It is recommended that the dumpster be situated at least twenty (20) feet from adjacent lot lines.
- (c) Any portable toilet facility shall be set back a minimum of twenty (20) feet from all adjacent lot lines.
- (d) Only one portable storage unit shall be permitted on a single lot for residential use at any one time.
- (e) Any portable storage unit, construction dumpster, or portable toilet facility unit must include a placard which is clearly visible and which includes the container identification number (where applicable), the business that owns and is responsible for the unit, dumpster, or facility, and a phone number of such business.
- (f) Portable storage units, construction dumpsters, and portable toilet facilities, shall not be placed in the public road right-of-way and shall not block sidewalks or fire lanes.
- (g) Storage of hazardous materials as defined under applicable state, local and federal laws and regulations are prohibited.
- (h) Portable storage units, construction dumpsters, and portable toilet facilities must be placed and kept on a hard surface at all times.
- (i) No part or former part of a semi-trailer or trailer shall be utilized as a portable storage unit or permanent accessory structure in any residential zoning district.
- (j) Portable storage units, construction dumpsters, and portable toilet facilities shall be located in the side or rear yard to the maximum extent possible.
- (k) Portable storage units, construction dumpsters, and portable toilet facilities shall not be connected to any utility.

C. Permanently-Sited Manufactured Home for Residential Use - Any permanently-sited manufactured home shall comply with all site development regulations of the appropriate zoning district.

1. The structure must comply with the definition of a permanently-sited manufactured home.
2. The structure shall be installed upon and properly attached to a permanent foundation system approved by the proper governing authority.
3. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.
4. The structure shall comply with all yard and setback requirements for the district for which it is proposed.
5. The structure shall comply with all parking requirements in effect for the district for which it is proposed.
6. The site shall be serviced by adequate essential utilities.
7. The structure shall be located on the site so that its long axis is parallel with the street or so that it is situated such that its orientation most resembles the characteristics of the neighborhood in which it is located.

D. **Home Occupations**

1. **General Standards**

- a. The purpose of these standards is to ensure that dwellings and residential districts continue to be primarily residential in nature where home occupations are permitted as accessory, subordinate uses.
- b. The use of the dwelling for a home occupation or home occupations shall be clearly accessory, incidental and subordinate to the use of the dwelling for residential purposes by its occupants.
- c. No exterior alteration of the dwelling shall be permitted which is not consistent and compatible with the normal scale, orientation, or appearance of typical dwellings in the neighborhood.
- d. No separate entrance shall be constructed for access to the home occupation from the outside of the dwelling.
- e. A home occupation shall not occupy an area greater than twenty five percent (25%) of the gross floor area of the dwelling.
- f. Only residents of the dwelling in which the home occupation is located shall own, conduct, participate in, or be employed in the home occupation(s), provided that off-site non-resident employees who do not come to the home occupation location are permitted.
- g. The dwelling shall be the primary residence of the resident owner of the home occupation.
- h. Delivery service vehicle trips shall not be more frequent than that which is normal for the district.
- i. The home occupation shall not generate pedestrian or vehicular traffic beyond that which is normal and reasonable in the district in which it is located. Client visits to the home occupation are limited to between the hours of 7:00 AM and 8:00 PM and shall be by appointment only. No more than two clients may be present at any given time.
- j. There shall be no substantial retailing or wholesaling of stocks, supplies or products conducted on the premises; however, delivery of retail products to the consumer off-premises, such as in the course of a mail order business, shall be permitted.
- k. Not more than one (1) passenger car, van, or pickup truck used in the conduct of the business shall be parked on the lot. The vehicle shall be parked in a garage or on a paved exterior parking area on the lot. This provision is subject to Section 4.07 Parking of Certain Vehicles.

2. **Prohibitions.** A home occupation shall not:

- a. Serve as a gathering place for non-resident employees of the business.
- b. Conduct any activity or store material that requires fire safety inspections or permits.
- c. Conduct any activity that requires the use of mechanical ventilation in addition to or in excess of that normally required for a dwelling.
- d. Conduct any activity involving a controlled substance.

- e. Utilize mechanical, electrical, or other equipment that produces noise, electrical or magnetic interference, line voltage fluctuation, vibration, heat, glare, odor, fumes or other nuisance or hazard outside of the dwelling.
- f. Sell or display on the premises commodity or stock in trade.
- g. Store equipment or materials utilized in the home occupation outdoors.
- h. Serve as boarding or tenant housing unless otherwise permitted in the district.

E. Residential Facilities

- 1. A residential facility shall be licensed or certified by the State of Ohio or their designee, as authorized by statute.
- 2. A residential facility shall be constructed in accordance with the development standards of the zoning district in which it is located.
- 3. A residential facility shall be residential in character.
- 4. Each dwelling unit in which a Small Residential Facility is established shall be deemed a separate residential facility.
- 5. A dwelling unit in which a Small Residential Facility is established shall not be closer than 500 feet to the next closest dwelling unit used as a Small Residential Facility in any Single Family Residential District (R-1) zoning district.
- 6. A Zoning Certificate is not required for the location of a Small Residential Facility within an existing structure unless changes are being made that warrant a zoning certificate.
- 7. The following standards shall apply where a Large Residential Facility is conditionally-permitted
 - a. The development standards for the zoning district in which the facility is located shall be observed including compliance with setback and height requirements, building design, landscape and buffering, waste containment, accessory structures, pedestrian and parking facilities, and signage.
 - b. The facility shall be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with existing or intended character of the neighborhood or vicinity.
 - c. The facility shall not be disturbing to existing or future neighborhood uses and shall not be detrimental to the property in the vicinity or the community as a whole.
 - d. The facility shall be adequately serviced by public facilities and services and shall be in compliance with all State, County, and Township regulations.
 - e. Traffic generated by the facility shall not differ in nature or volume from traffic generated by other permitted uses in the district.

F. Development Standards for all Non Residential Uses in a Residential District:

- 1. **Minimum Lot Size:**
 - a. Minimum lot size for educational facilities, hospital, hospice, home for the aging shall be five (5) acres.

- b. Minimum lot size for all other conditional uses is one (1) acre except that community gardens and playgrounds may be located on lots less than one (1) acre.
- 2. **Minimum Lot Frontage:**
 - a. Minimum frontage for a hospital, hospice and home for the aging shall be 500 feet facing a public street.
 - b. Minimum frontage for all other conditional uses shall be 200 feet.
- 3. **Maximum Building Coverage** shall not exceed 25% of a lot area excluding public right of way. Maximum impervious surface coverage shall not exceed 75%.
- 4. **Minimum Front Yard Setback.** No building or structure shall be located closer than forty feet (40') from the street right-of-way.
- 5. **Minimum Side Yard Setback.**
 - a. Educational facilities, hospital, hospice and places of worship require a minimum side yard setback constituting 50% of the building frontage
 - b. No other building or structure shall be located closer than fifty feet (50') from a side property line.
- 6. **Minimum Rear Yard Setback.** No building or structure shall be located closer than forty feet (40') from the rear property line.
- 7. **Height.** No building or structure shall exceed thirty-five feet (35') exception may be made for uninhabitable spaces such as a church steeple or spire.
- 8. **Parking Area Setback:** The parking area shall be set back a distance of at least thirty feet (30') from all property lines.
- 9. **ODOT Standard Curbing Required**
 - a. All parking lots shall be surrounded by concrete curbing. This curbing should meet ODOT "Type 6" standards.
 - b. All or parts of curbs may be waived by the Zoning Administrator where necessary to permit treatment of storm water through vegetated features or other storm water best practices
- 10. **Landscaping, Buffers and Screening.** Landscaping, buffer, and screening standards applicable to the Corridor Review District (See Section 5.04(C)1-3 of this Resolution) shall be applicable to all non-residential development in any residential district, except that a buffer is not required where the project abuts a non-residential use or zoning district.
- 11. **Site and Building Design Standards.** Site and building design standards applicable to the Corridor Review District (See Section 5.04 D-F) shall be applicable to all non-residential development in any residential district.
- 12. **Consolidation of Lots Required.** Where two or more lots are to be developed in a single development plan, the lots shall be consolidated into a single lot. The consolidated lot shall be recorded.
- 13. **Traffic Impacts.** Traffic volumes which exceed those typical of other permitted uses in the subject zoning district shall be identified, especially large and peak volumes of vehicles entering or exiting in a short period of time such as near the beginning or end of assembly events. Measures to

mitigate the impacts of such traffic events on abutting and nearby public roads shall be designed, constructed and maintained to mitigate the impacts to a typical level.

14. **Outdoor Activity Standards.** The following standards shall apply to outdoor activity at Places of Worship, Educational Facilities, and Recreational Facilities.
- a. Outdoor recreational facilities for active sports (including but not limited to baseball, football, basketball, swimming, soccer, skateboarding) shall be setback from at least 100 feet from residentially used or zoned property.
 - b. Outdoor recreational structures (including but not limited to backstops, fences, temporary or permanent spectator seating, restrooms, and concession stands) shall be setback from all side and rear property lines at least 100 feet.
 - c. Outdoor activities shall be identified and described in the zoning application, including seasonal variations, average and maximum numbers of persons in attendance at assembly events, any outdoor noise, lights, or other exterior impacts that may affect abutting properties. Exterior impacts which exceed those typical of other permitted uses in the subject zoning district shall be identified. Site features shall be designed, constructed and maintained to mitigate the impacts to a typical level.
 - d. Hours of operation that differ from normal business hours in the subject district shall be identified along with any off-site impacts thereof and measures to mitigate such impacts.
 - e. Outdoor loudspeaker systems shall only be operated between 9 am and 10 pm. Activities that generate noise discernible beyond the property boundaries shall also be limited to these hours.

4.07 PARKING OF CERTAIN VEHICLES

- A. Parking or storage of any motor vehicle, trailer, recreation vehicle, boat or boat trailer, in a wrecked, inoperable, dismantled or abandoned condition or without current, legally displayed license plates is prohibited in any residential district unless it is parked or stored completely within an enclosed building.
- B. On lots less than one (1) acre, one (1) recreational vehicle may be parked or stored outside in conformance with these regulations. On lots one (1) acre or more, two (2) recreational vehicles may be parked or stored outside in conformance with these regulations.
- C. Parking or storage of recreational vehicles, boats, or trailers not specifically prohibited by the preceding paragraph (A), shall be permitted only in the side or rear yard of a lot in any residential district with a principal residential dwelling unit. Minimum side and rear yard setback regulations for detached accessory buildings apply. Except that from April 1st through October 1st one (1) recreational vehicle may be temporarily parked in the front driveway. The vehicle must be parked on a hard surface.
- D. At no time shall a recreational vehicle or trailer be used as living quarters.
- E. Parking or storage of semi tractors or tractor-trailers, excavating, or other construction equipment, tow truck, stake body or dump truck in any residential district is prohibited
- F. The parking or storage of any trailer greater than twenty (20) feet in length in any residential district is prohibited.
- G. The parking of one (1) commercial vehicle in connection with the residential use of the property within any residential district shall be permitted provided said vehicle does not exceed twenty (20) feet in length measured bumper to bumper and eight (8) feet in height including cap, tool boxes and other accessories and is currently used by the occupant of the dwelling as transportation to or from work.

4.08 REVIEW REQUIREMENTS AND PROCESS

A. **Authority to File Applications.**

The person having legal authority to take action in accordance with the approval sought shall file an application for review. The person having legal authority shall be the property owner of record or the duly authorized agent of the property owner of record.

B. **Zoning Certificate Forms**

The Board of Trustees shall adopt submittal requirements in the form of zoning certificate applications at a regular board meeting after hearing recommendations of the requirements from the Zoning Administrator.

C. **Pre-application Meeting.**

A pre-application meeting is required for projects with three (3) or more dwelling units or projects that are non-residential in nature prior to filing a formal application.

D. **Complete Application.**

The applicant shall submit a complete application to the Howland Township Zoning Administrator prior to submitting for a Trumbull County Building Permit:

1. Zoning Certification Application and all applicable forms available from the Township offices;
2. All such forms, maps, plans, and information as may be prescribed for that purpose by the Howland Township Zoning Department to assure the fullest practicable presentation of the facts for the permanent record.
3. If an application is determined to be incomplete, the Zoning Administrator shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected.
4. If the application is determined to be complete, the Zoning Administrator shall review the application for conformance with the provisions of this Zoning Resolution.
5. If any false or misleading information is submitted or supplied by an applicant on an application, the application shall be denied.

E. **Application Determination**

1. The Zoning Administrator shall, within thirty (30) days after receiving a fully completed application, take action to approve, disapprove, or approve with modifications or conditions, the application and plan.
2. The applicant shall be notified of the decision of the Zoning Administrator along with any reason for disapproval or modification.
3. Upon approval, or approval with modification or conditions and the submittal of revised plan reflecting such modifications, a zoning certificate shall be issued by the Zoning Administrator. This certificate is binding upon the applicant, and work performed shall conform with and not deviate from the approved plan.

SECTION 5: BUSINESS ZONING DISTRICTS

CRD-OI"¹⁹, "CRD-1"²⁰ and "CRD2"²¹ DISTRICTS (CORRIDOR REVIEW DISTRICTS)²²

5.01	Purpose
5.02	Applicability
5.03	Uses
5.04	Standards
5.05	Procedures
5.06	Application Contents

5.01 PURPOSE

To provide for the rational development and redevelopment of specific areas within Howland, the Township has devised additional zoning classifications intended to mitigate the effect of non-residential development on the existing and planned residential and low intensity non-residential uses within and adjacent to these areas. These districts will protect and enhance the value of properties, preserve and improve vehicular and pedestrian traffic, and will provide an attractive, well-planned transition from one land use classification to another.

5.02 APPLICABILITY

- A. The provisions of Subsections C Uses and D Standards shall be applicable to properties in the CRD-OI, CRD-1 and CRD-2 Districts under the following circumstances.
1. New uses of lots and buildings shall comply with the list of permitted uses applicable to the CRD District and with any specific standards applicable to the new use.
 2. New building construction or building floor area expansion
 3. Exterior modifications to an existing building
 4. New parking lot or expansion of existing
 5. New or expanded outdoor storage or display area
 6. New or expanded drive through facility
 7. New sign, fence, wall, enclosure
 8. Resurfacing of any part of the exterior of a structure including but not limited to the roof or walls of a building or parts of a fence, wall, enclosure, or sign
 9. Repainting or refinishing any part of the exterior of a structure where new materials or colors are used
 10. Installation of new landscaping, other than replacement of previously approved landscaping
 11. A change of use authorized on the basis of a rezoning of the property to a CRD District.
- B. Compliance with CRD uses and standards shall be limited to those items being changed.
- C. The provisions of Section 5.05 Procedures and Section 5.06 Application Contents shall be applicable to all circumstances listed in Section 5.02(A) above only to the extent necessary to document compliance.

¹⁹ New district 10/10/97

²⁰ New district 05/1996

²¹ New district 05/1996

²² Amended 08/ 2012

D. The provisions of Section 5.03 Uses and Section 5.04 Standards shall not be applicable under the following circumstances. Property owners are advised to contact the Planning and Zoning Director to ensure compliance with these regulations. Application requirements and fees will be waived:

1. Maintenance of the exterior of an existing building or accessory structure such as re-painting, re-roofing or re-siding where similar materials and colors are used or materials and colors are used that comply with this Resolution
2. Interior remodeling

5.03 USES

Uses which are permitted in the CRD Districts are set forth in the table below.

Permitted Uses	See specific use standards in sections noted below	CRD-OI	CRD-1	CRD-2
		“P” indicates Districts in which listed uses are permitted. “NP” indicates use not permitted. “C” indicates use is conditionally permitted.		
Amphitheater (outdoor)	5.04 G7	NP	NP	C
Auditorium or performing arts theater (indoor)		NP	P	P
Banking and Financial institution, which may include drive through facilities	5.04 G3	P	P	P
Banquet halls (stand alone or in association with restaurant)	5.04 G7	NP	P	P
Child Day Care Type A, Type B, Child Day Care Center, Adult Day Care Center	5.04 G9	P	P	P
Cinema or motion picture theater (indoor)	5.04 G7	NP	P	P
Drive through facility operated as an accessory to a use permitted in a CRD-2 District	5.04 G3	NP	NP	P
Educational facility, including trade or business school		P	P	P
Federal, State or Local Government Building		P	P	P
Fueling Station (other than gasoline or diesel)	5.04 G4	NP	NP	C
Halls for civic clubs and membership organizations (i.e., Elks, VFW, private clubs)	5.04 G7	NP	P	P
Hospital, hospice, nursing home, home for the aging		P	P	P
Inn, lodging and tourist accommodations		NP	NP	P
Library, Museum		P	P	P
Low intensity neighborhood commercial services including: <ul style="list-style-type: none"> • barber shop, beauty salon • photography studio • art gallery 		P	P	P
Moderate intensity neighborhood commercial services including: <ul style="list-style-type: none"> • dry cleaning and/or laundry establishment • shoe repair, dressmaking, tailoring • photo copying or printing establishment • funeral home • appliance repair • studio, including for art, dance, photography, motion pictures or audio recording 		NP	P	P
Offices: <ul style="list-style-type: none"> • General office of individuals or corporations not used for manufacturing, storing warehousing or selling of goods • Medical or dental office, laboratory, or clinic • Real Estate Office • Insurance Office • Travel Agency • Office of attorney, architect, accountant, engineer 		P	P	P
Place of Worship	5.04 G7	P	P	P
Recreation Facility, Type A (regulation golf course and club house, picnic area, playground, trails for walking, bicycling, fishing, non-motorized boating, observation of nature and similar use)	5.04 G7	P	P	P
Recreation Facility, Type B (field sports, baseball field, soccer field, swimming pool, tennis)	5.04 G7	NP	P	P

court, basketball court, golf driving range and similar use)				
Recreation Facility, Type C (indoor court sports, shooting ranges, athletic clubs, bowling alleys and similar use)	5.04 G7	NP	P	P
Restaurant		NP	P	P
Restaurant with outdoor dining with seating of twenty-one (21) or more persons	5.04 G10	NP	C	C
Restaurant with outdoor dining with seating up to twenty (20) persons	5.04 G10	NP	P	P
Retail business including: <ul style="list-style-type: none"> • drug store • food market, grocery store • bakery • hardware store, home improvement store • video store • department store, general merchandise store, clothing store 		NP	P	P
Similar Use	5.04 G8	C	C	C
Stadium, arena, amusement park	5.04 G7	NP	NP	NP
Telecommunication Tower		P	P	P
Vehicle Wash	5.04 G5	NP	NP	P
Veterinarian	5.04 G6	NP	NP	P

5.04 STANDARDS

The standards in this Section 5.04 apply to all uses and structures in the CRD Districts.

A. Dimensions

		CRD-OI	CRD-1	CRD-2
Density Standards				
Maximum Building Coverage		25% of lot area excluding public right-of-way		33% of lot area excluding public right-of-way
Maximum Impervious Surface Coverage		75%		
Maximum Building Size		10,000 sq. ft.	No maximum	
Minimum Building Size		1,200 sq. ft.		
Minimum Green Space		25% of lot area excluding public right-of-way		
Building Set-Backs from Property Lines				
Front Yard Setback (except as below)		40 feet		
Front Yard Setback on North River Road from Niles Cortland Road to North Road		100 feet		
Side Yard Setback		20 feet		
Rear Yard Setback		35 feet		
Maximum Building Height		35 feet	45 feet	
Parking Area Setbacks from Property Lines				
Front		30 feet		
Side		10 feet (except for cross access drives)		
Rear		20 feet		
Green Space Requirements (see definition in Section C 3 below)				
Minimum green space required		25% of lot area excluding public right-of-way		
Minimum Front Yard Green Space:		<ul style="list-style-type: none"> • The first thirty (30) feet from the front property line (and not including any public right-of-way) shall be reserved as green area (except for driveways providing access to parking lots and sidewalks), and shall be considered as part of the 25% requirement. 		

- The right-of-way area between the front property line and the road pavement shall be reserved for public sidewalks or as green area but will not be included in the green area calculation.

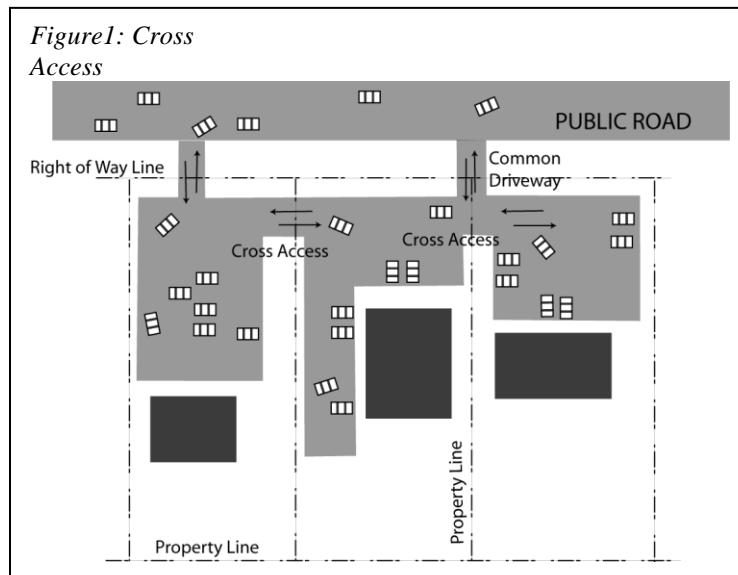
Minimum Lot Dimensions. Any new lot created and recorded within a CRD District shall comply with or exceed the following minimum dimensions:

1. Lot area shall be at least 0.5 acres.
2. Lot width shall be at least 100 feet.
3. Lot depth shall be at least 200 feet.
4. Corner lots shall have a width of at least 200 feet and a depth of at least 200 feet.

B. Parking and Access Management

1. Parking Requirements: Parking shall be provided as required by this Zoning Resolution. (See Section 17: Parking Facilities)
2. ODOT Standard Curbing Required:
 - a. All parking lots shall be surrounded by concrete curbing. This curbing should meet ODOT "Type 6" standards.
 - b. All or parts of curbs may be waived by the Planning and Zoning Director where necessary to permit treatment of storm water through vegetated features or other storm water best practices
3. Cross Access Between Parking Lots Recommended: In order to promote the health and safety of Township residents by reducing the number of vehicular accesses to East Market Street, Niles-Cortland Road, and North River Road, from properties within the CRD Districts, Howland Township strongly recommends that cross access be provided between parking areas on adjacent lots (Figure 1).

The Township recommends that the cross access be at least twenty four (24) feet wide and that the centerline of the access road be located at a point sixty (60) feet from the East Market Street, Niles-Cortland Road, or North River Road right of way line.



4. Common Driveways: As minimizing curb cuts is an essential element of public safety, if cross access is not provided between parking areas, adjacent land owners may be required to establish common driveways. Common driveways shall be established subject to easement agreements approved by the Township.

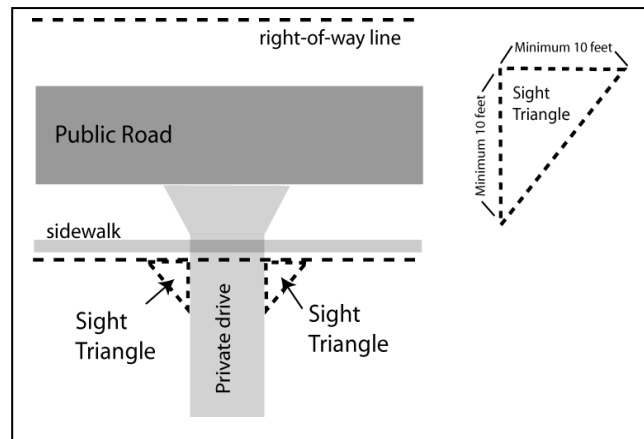
5. Curb Cut Standards:
 - a. Distance between Curb Cuts: A minimum distance of 200 feet, measured from the centerline of the cut, shall be maintained between non-residential use curb cuts.
 - b. Distance between Curb Cuts and Street Intersections: The minimum distance from a new curb cut to an intersection shall be no less than 200 feet.
 - c. Number of Curb Cuts per Development Project: No lot or group of lots that are part of a single development project shall be permitted to have more than one curb cut access to East Market Street, Niles-Cortland Road, or North River Road.
 - d. Maximum Width of Curb Cuts: Curb cuts will be limited to a maximum total pavement width of 36 feet in CRD-1 and CRD-OI Districts, and 48 feet in CRD-2 Districts.
 - e. Exceptions. Where compliance with the foregoing subsections 5a, 5b, 5c, or 5d is impractical due to the dimensions or conditions of existing lots or lot frontages, due to road conditions, or due to other dimensional, safety, or traffic function conditions, then the Planning and Zoning Director may require and/or approve alternative curb cut configurations. Acceptable alternative configurations shall be determined by the Township Engineer.

Before granting such exception, the Director shall issue written notice of the intended exception to the owners of properties located within one hundred fifty (150) feet of subject property. If any owner contacts the Director within ten (10) days after receipt of the notice with an objection to the exception, the applicant must then seek relief from the Board of Zoning Appeals.

C. Landscaping, Buffers and Screening

1. Frontage green space and landscaping. Required green spaces shall be areas of land which are permanently maintained in vegetative landscaping, mulch beds, gardens, lawns, or similar unpaved areas.
 - a. The following are the minimum landscaping requirements per 100 foot of lot frontage, installed in the area between the street side facade of the building(s) and the public right of way. The required plant material may include plantings within parking lots as required by Section 17 of this Resolution.
 - i. 10 ornamental or native trees, 1 1/2" caliper or larger.
"Native tree" means a tree known to have grown in the northern Ohio area before the arrival of the first Europeans ("pre-settlement") or as identified in the sources provided in Appendix A.
 - ii. 25 shrubs, 18" -24" or larger.
 - iii. 10 coniferous trees or shrubs.
 - b. At least 25% of the plant material required above shall be located within 30 feet of the public right-of-way.
2. Buffers and Screening.
 - a. Buffer for Residentially Zoned or used land: Where a CRD-OI, CRD-1 or CRD-2 use abuts property occupied by a residential dwelling or property in a residential district, then the following buffers shall be installed and maintained:
 - i. A six (6) foot high buffer shall be constructed of fencing or a wall, which may be supplemented by vegetative material. The buffer shall be constructed the entire length of any abutting side or rear yard, except in locations where a clear sight triangle is required.
 - ii. Where a parking lot is constructed adjacent to the front yard area of a property occupied by a residential dwelling or property in a residential district, a fence or hedge three (3) feet high shall be constructed to block the view of parked cars and headlights.
 - iii. Fences shall be designed so that both sides have the same appearance.

- b. **Planting Requirements for Visual Screening:** Where landscape plantings are required for the purposes of visual screening, they shall be a species having a suitable height, width, and vegetative density and shall be installed in a pattern or spacing as can reasonably be expected to produce a solid visual screen within three (3) years. The plants shall be placed so that mature plants can be maintained within the property line.
 - c. **Ground Mounted Mechanical Equipment:** Ground mounted mechanical equipment shall be screened from view and integrated into the landscaping concept for the site.
3. **Additional Landscape Standards.**
- a. **Landscape Fences and Walls:** Fences or walls shall be constructed of wood, vinyl, iron, decorative aluminum, stone, brick, or decorative block. Retaining walls shall be constructed of stone, decorative wall systems, brick or wood.
 - b. **Clear Sight Triangles:** Sight triangles at points of ingress and egress shall be free of plantings, signs or other objects that will obstruct traffic views. Minimum dimensions of sight triangles shall be as illustrated below. Clear visibility for drivers shall be maintained in the area between the heights of 3.5 to 8.0 feet above the centerline of grades of the intersecting road surface.

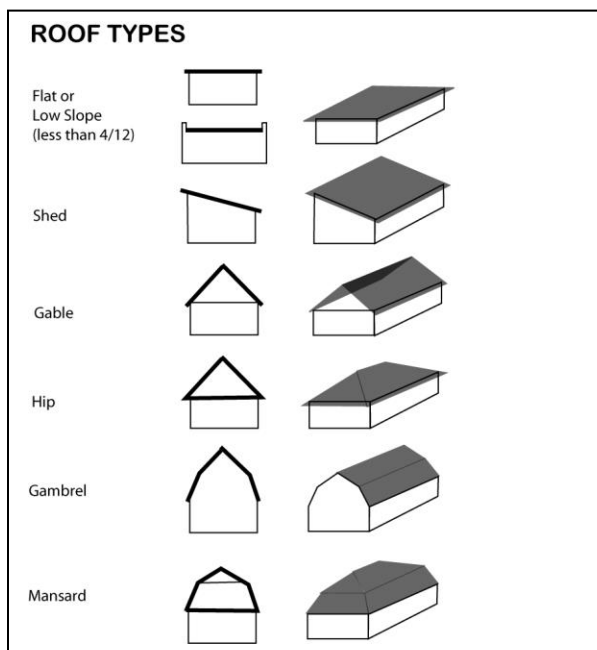


- c. **Vegetative Ground Cover Required:** Any portion of the lot not used by structures, parking, aisles, or sidewalks shall be provided with an all season, well maintained vegetative ground cover.
 - d. **Planting Maintenance:** All plantings and beds shall be maintained in healthy condition and kept reasonably weed free. Dead or diseased plant material shall be replaced within six (6) months
 - e. **The use of native plants is encouraged.** Plants listed on the Ohio Invasive Plant List shall not be planted. Information about preferred native plants and invasive plants may be obtained from the Director of Planning and Zoning.
- D. **Building Design**
- 1. **Building Finish and Colors.**
 - a. All buildings and structures shall have an equal level of finish on all sides and shall utilize no more than two primary materials with one or two accent materials. The quality of materials and design used on the front façade of the building should not substantially diminish at the rear or sides of the building, except where a wall adjacent to another structure would not be visible.
 - b. Building colors shall be subtle, neutral and earth tones. The use of high intensity colors, metallic colors, or fluorescent colors is prohibited.

- c. A single, coordinated color scheme shall be utilized for all structures. The color scheme shall have one predominant color and may use additional colors to accent, demark, or otherwise provide interest or to achieve a more compatible scale for the individual structure.
- d. The color, surface finish and texture of primary building materials shall have the appearance of split face block, brick, stone, E.I.F.S (Exterior Insulation and Finishing System, i.e, dryvit, synthetic stucco) or wood. The surface finish and texture of building materials shall not have the appearance of exposed concrete block.

2. Roof Shapes.

- a. Hip and gable roofs are the preferred commercial styles.
- b. A roof having a pitch of less than 4/12 shall be considered a flat or low slope roof. Where a flat roof is constructed, it shall be enclosed on all sides by a parapet of at least 42 inches height above the roof surface and as necessary to conceal roof-mounted equipment.
- c. Mansard-type parapets shall be permitted provided they enclose the roof on all sides.



3. **Blank Facades Prohibited:** For properties rear-abutting a residential district, blank facades on the rear of buildings shall be avoided and the use of articulation including recesses, fenestrations, fences or pilasters along any rear facade shall be exhibited. Also long, unbroken facades on the front or sides of a building should be avoided.

- 4. **Major Building Entries:** Major building entries should be clearly demarked through the use of architectural features.
- 5. **Concealing of Mechanical Equipment:** Mechanical equipment shall be integrated into the building design and shall be concealed from the view of adjacent properties and from any public rights of way.
- 6. **Screening of Waste Receptacles:**
 - a. Waste receptacles shall be screened on all sides by a six (6) foot high fence, wall, and or gate constructed in a manner consistent with the design of the main building. Gates or other openings to the screened waste receptacle area shall be oriented so they are not visible from the public right-of-way.
 - b. Waste receptacle shall not exceed six (6) feet in height.
 - c. Waste receptacles shall not be located in the area between the main building and the public right-of-way.

E. **Signs.** Signs shall comply with the requirements of Section 10 of this Resolution.

F. **Outdoor Lighting**

- 1. **Cut-Off Fixtures Required.** All external outdoor lighting shall consist of cut-off fixtures or down lighting to avoid unnecessary glare.

2. Lighting shall be designed to prevent glare and light spillage onto adjacent property.
3. All outdoor lighting fixtures shall be from the same or similar manufacturer's type or family. All light poles and light fixtures shall be dark in color.
4. Outdoor lighting used to illuminate flags, statues, signs, architectural features, or landscape features shall use full cut-off or directionally shielded fixtures aimed and controlled so that the light is substantially directed and confined to the object intended to be illuminated. Light reflected from the illuminated object shall not create excessive glare or light spillage onto adjacent property.
5. No colored lights shall be used at any time.
6. Lighting located on poles shall not exceed twenty-four (24) feet in height.

G. Additional Standards

1. Consolidation of Lots Required. Where two or more lots are proposed to be developed in a single development plan, the lots shall be consolidated into a single lot. The consolidated lot shall be recorded.
2. Outdoor Storage and Display.
 - a. Outdoor storage or display of goods, merchandise, or equipment, including but not limited to goods or equipment for sale, rent, or lease; materials, vehicles and equipment used by the site use, is prohibited in the CRD-1 and CRD-OI Districts.
 - b. Outdoor storage or display of goods, merchandise, or equipment, shall be allowed in CRD-2, provided that:
 - i. Stored goods, merchandise, or equipment shall not exceed six (6) feet in height.
 - ii. Storage and display areas shall be screened from view from public rights-of-way and abutting residential districts.
 - iii. The area(s) of the site on which outdoor storage or display is proposed, and the manner of screening thereof, shall be specifically identified and limited to the locations illustrated and approved in the development plan. No other locations shall be permitted unless the plan is amended and approved.
3. Drive Thru or Drive Up Facility.
 - a. Drive-up facilities which utilize microphones or other audible signals shall be designed to minimize sound impacts upon abutting uses. Hours of operation shall be as approved with the site plan.
 - b. Lanes required for vehicle access to and waiting for use of a drive thru or drive up facility shall be designed to have sufficient length to accommodate the peak number of vehicles projected to use the facility at any one time, to provide escape/abort lanes for vehicles desiring to leave the stacking lanes or to avoid disabled vehicles, and to minimize impacts on the use of other required parking or drives or on the use of abutting roads and hazards to pedestrians.
 - c. Conditions may be established restricting the hours of operation in order to reduce inappropriate impacts on abutting uses and on road traffic and to ensure compatibility with normal vehicular activity in the district.
 - d. The applicant shall design the site plan or otherwise provide assurances to reduce the impacts of lighting, litter, noise, and exhaust resulting from the facility, especially impacts on nearby residential districts.
 - e. Drive-up facilities shall be located on that part of a site which is most distant from or most screened from the boundaries of abutting residential districts. Where site conditions necessitate locating a drive-through facility near to the residential district, the area between the uses shall be screened as directed by the Planning and Zoning Director.
 - f. Drive up facilities, their stacking areas, and routes of access shall be located to not interfere with or cause interference with vehicles or pedestrian movement on the public road or within the site. Stacking areas for drive-through facilities shall not be the sole or primary site egress route. Stacking areas shall not utilize parking or aisles required for access to parking.

4. **Fueling Station as a Conditional Use.**
 If an existing or new facility is proposed to provide vehicle fuels other than gasoline or diesel, then a complete site plan and information relating to the nature of the fueling operation, on-site activities, and safety features and procedures shall be submitted as required by the Planning and Zoning Director.
 - a. Site - minimum lot size one (1) acre.
 - b. The lot shall not abut a residential zoning district.
 - c. Fueling equipment, compressed air connections, and other equipment shall be setback a minimum of 30 feet from any right-of-way line. Air compressor pumps (e.g, for tire inflation) and other outdoor equipment shall be identified on the site plan and shall be located and screened in a manner which minimizes noise impacts on abutting properties.
 - d. Parking of employee vehicles and vehicles used in the operation of the business shall only be permitted in the locations approved on the site plan. Parking and storage of vehicles not related to the principal use of the site, or to an approved accessory use, shall not be permitted.
 - e. Vehicle sales, service, rental, or leasing shall not be permitted on the site unless specifically approved. No vehicle repair work shall be conducted at the facility.
 - f. Retail sales of products shall be permitted only within an enclosed structure which shall comply with all provisions of the district, including requirements for parking.
 - g. Fueling stations shall provide no less than two (2) waiting spaces per accessible side of a fuel pump island.
 - h. Outdoor display, storage, or sale of goods shall only be permitted on the site as specifically approved on the site plan.

5. **Vehicle Wash**
 - a. A vehicle wash shall provide reserve space off-street for not less than five (5) automobiles per washing lane.
 - b. One off-street parking space shall be provided for each two employees plus one space for the owner or manager,
 - c. Each lot for an automatic car wash and polishing establishment shall contain a minimum frontage of 125 feet and a depth of 200 feet.
 - d. Drainage system shall meet with EPA approval. Said system shall be located one hundred feet from any lot in a residential district.
 - e. Retail sales of related commercial products shall be permitted.
 - f. Repair work shall not be permitted.
 - g. Automobile washing and polishing services shall be performed wholly within a totally enclosed building, with the exception that finishing of vehicles may be conducted outside the building.
 - h. Washing and polishing facilities when located adjacent to a residential area shall be used only during the hours of 7:00 a.m. to 10:00 p.m.
 - i. The building shall be a minimum of forty (40) feet from the side lot line.
 - j. A permanent screening fence or wall not less than six (6) feet in height shall be constructed along any side property line which abuts property zoned for residential use.
 - k. The use shall comply with the standards established in Section 5.04 (G)(3) above for Drive Thru or Drive Up Facilities.

6. **Veterinarian**
 - a. Runways, Exercise Areas. All exercising of animals shall be conducted solely on the premises. All outside animal runways or kennels shall be enclosed by a six (6) foot fence, maintained in a clean, orderly and sanitary condition and free from any conditions that would menace the health of the animals enclosed therein, the public, or constitute a nuisance.
 - b. Manure piles shall be disposed of daily in a sanitary, non-odorous condition. Open manure piles shall not be permitted.

- c. Animals shall only be kept or housed on site for purposes of veterinary care and recovery.

7. Place of Worship; Other Places of Assembly or Recreational Facility

- a. The following standards shall apply to Place of Worship, Other Place of Assembly and any Recreational Facility.

- i. Traffic volumes which exceed those typical of other permitted uses in the subject zoning district shall be identified, especially large and peak volumes of vehicles entering or exiting in a short period of time such as near the beginning or end of assembly events. Measures to mitigate the impacts of such traffic events on abutting and nearby public roads shall be designed, constructed and maintained to mitigate the impacts to a typical level.
- ii. Activities and uses other than the primary function of worship, assembly or recreation (i.e., retail, housing, or other) shall be permitted and regulated as otherwise provided in this Resolution.
- iii. Site features designed to mitigate impacts may include, but are not limited to: proper location of uses, entries, and exits on the site; setbacks exceeding district minimums; screening and buffering with fences, walls, or landscaping; scheduling of events in a manner which mitigates or minimizes nighttime impacts; proper location and construction of on-site traffic management facilities; financial contribution in support of traffic facility improvements in the public right-of-way (i.e., turn lanes and traffic signals); and payment for police hours for traffic control during special events. Mitigation of impacts on abutting properties shall be given special attention where abutting residential districts exist.

- b. The following standards shall apply to outdoor activity at all Places of Worship, Other Places of Assembly and Recreational Facilities.

- i. Outdoor recreational facilities for active sports (including but not limited to baseball, football, basketball, swimming, soccer, skateboarding) shall be setback from residential districts at least 100 feet.
- ii. Outdoor recreational structures (including but not limited to backstops, fences, temporary or permanent spectator seating, restrooms, and concession stands) shall be setback from residential districts at least 100 feet.
- iii. Outdoor activities shall be identified and described in the zoning application, including seasonal variations, average and maximum numbers of persons in attendance at assembly events, any outdoor noise, lights, or other exterior impacts which may affect abutting properties. Exterior impacts which exceed those typical of other permitted uses in the subject zoning district shall be identified. Site features shall be designed, constructed and maintained to mitigate the impacts to a typical level.
- iv. Hours of operation which differ from normal business hours in the subject district shall be identified along with any off-site impacts thereof and measures to mitigate such impacts.
- v. Outdoor loudspeaker systems shall only be operated between 9 am and 10 pm. Activities which generate noise discernible beyond the property boundaries shall also be limited to these hours.

8. Similar Use

An applicant may submit an application for a conditional zoning certificate for a building or use which is not specifically listed as a permitted use or a conditionally permitted use in a district. The Board of Zoning Appeals shall interpret this Resolution to determine if the proposed use is a substantially similar use. The Board of Zoning Appeals shall make a decision after consideration of the proposed use with respect to the following standards and other applicable provisions of this Resolution:

- a. Whether the use has characteristics and impacts consistent with those of one or more of the permitted uses in the district; and the use has characteristics and impacts more consistent with those of the permitted uses of the subject district than with the permitted uses of any other district.
 - b. Whether the establishment of the use in the district will significantly alter the nature of the district.
 - c. Whether the use will create dangers to health and safety or create offensive noise, vibration, dust, heat, smoke, odor, glare, traffic, or other objectionable impacts or influences to an extent greater than normally resulting from permitted uses listed in the subject district.
 - d. Whether the use typically requires site conditions or features, building bulk or mass, parking, anticipated sign needs, or other requirements dissimilar from permitted uses; and whether the typical development of site and buildings for the use is compatible with those required for permitted uses and can be constructed in conformance with the standard regulations for height, lot dimensions, setbacks, etc. of the district.
9. Child Day Care Center, Type A Day Care Home, Adult Day Care Center
- a. Parking, drop off and pick up spaces shall be provided on site to meet all needs of the use. Spaces and drives shall be configured to prevent impact on public rights of way.
 - b. Applicant must provide evidence of a state license or of a submitted application for license. State license must be obtained before zoning permit will become effective.
10. Restaurant Outdoor Dining
- a. All outdoor dining areas shall comply with the following standards:
 - i. Outdoor dining shall not be permitted closer than 100 feet to a residential zoning district.
 - ii. Outdoor dining with seating capacity of not more than twenty (20) persons shall be a permitted use for which the Director of Planning and Zoning may issue a zoning permit. Outdoor dining with seating capacity of twenty-one (21) to one hundred (100) persons may be approved as a conditional use provided all parts thereof are located two hundred (200) feet or more from a residential zoning district.
 - iii. Outdoor dining shall only be established on the same site, in conjunction with, and under the same management and exclusive control as a permitted restaurant use.
 - iv. Outdoor dining shall not be located on any part of the lot required for drives, parking, pedestrian walkways, or other site features required for the use(s) on the lot. The area used for outdoor dining shall comply with all zoning district yard and setback requirements applicable to a building.
 - v. When located on a lot that is adjacent to a residential zoning district, the outdoor dining area shall be located on the part of the lot that utilizes the building itself as a solid screen between the residential zoning district and the outdoor dining area.
 - vi. The arrangement of entrances, exits, tables and other features of the outdoor dining area shall be subject to approval of the Howland Fire and Police Departments.
 - vii. Parking shall be provided based on the area utilized for outdoor dining according to the parking standards for a restaurant.
 - viii. The area utilized for outdoor dining shall not exceed 25% of the indoor floor area utilized for dining.
 - ix. The area utilized for outdoor dining shall not exceed seating for one hundred (100) persons or as further limited by Section 5.04(G)(10)(b)(i).
 - x. All permanent and temporary furniture, fixtures, structures, and other features of the outdoor dining area shall be maintained in good repair during all seasons of the year.

- xi. Signs on tents, awnings, fences, umbrellas or other structures shall comply with the sign regulations of this Resolution.
 - xii. Outdoor dining shall only be permitted between the hours of 7 a.m. and 11 p.m.
 - xiii. Any outdoor dining area which is visible from a residential zoning district shall be screened with a buffer as approved by the Director of Planning and Zoning.
 - xiv. Compliance to the Conditional Use Permit will be reviewed by Director of Planning and Zoning annually.
- b. Outdoor dining, or that part of an outdoor dining area which is located less than two hundred (200) feet from a residential zoning district, shall comply with the following additional standards:
 - i. Seating in this area shall not exceed twenty (20) persons.
 - ii. No cooking utilities, including outdoor grills, are permitted in this area.
 - iii. Amplified live performance and outdoor sound systems are not permitted in this area.
 - iv. Amplified sounds from inside the restaurant shall not be audible in this area.
 - c. A site plan shall be submitted for a zoning permit prior to establishing any outdoor dining. The site plan shall indicate, at a minimum, the proposed locations of seating areas, entries and exits, screening, cooking facilities, shelters and all other permanent or temporary furnishings, fixtures and equipment.

5.05 PROCEDURES

- A. Zoning Certificate Required. A Zoning Certificate shall be obtained prior to new construction, the change of use, or alteration of any structure or property within the CRD Districts as provided in Section B Applicability. A Zoning Certificate shall be issued only upon the review and approval of the required application and plan as specified herein.
- B. Pre-Application Meeting. The applicant(s) shall meet with the Planning and Zoning Director prior to filing a formal application.
- C. Application Submittal. The applicant shall file application forms, plans and other information as required in Section 5.06 below.
- D. Application Review.
 - 1. The Planning and Zoning Director shall within thirty (30) days after receiving a fully completed application, take action to approve, disapprove, or approve with modifications or conditions the plan.
 - 2. The applicant shall be notified of the decision of the Planning and Zoning Director along with any reason for disapproval or modification.
 - 3. Upon approval, or approval with modifications or conditions and the submittal of a revised plan reflecting such modifications, a zoning certificate shall be issued by the Planning & Zoning Director. This certificate is binding upon the applicant, and work performed shall conform with and not deviate from the approved plan.

5.06 APPLICATION CONTENTS

The applicant shall file five (5) copies of the complete development plan with the Planning and Zoning Director. The following information shall be provided and shall constitute the development plan. (The information required for the Site development plan, Landscaping and buffer plan, and Lighting plan may be presented on a single drawing provided information is legible.)

- A. General Information.

1. A written description of the proposed development including the total number of structures, units, bedrooms, offices, total and useable floor area, parking spaces, employees by shift, and similar related project-specific information.
 2. Project completion schedule/development phases.
 3. Name and address of the engineer, architect, and/or surveyor. Plans must be signed and stamped by a registered surveyor, engineer, and/or architect.
 4. Vicinity Map. A map drawn at a scale of 1" = 2,000' with north arrow and scale.
 5. Date of original submittal and last revision.
- B. Existing Conditions Map. A map, drawn to a scale acceptable to the Township showing existing conditions on the subject site and on lots adjacent to the site to a distance at least 100 feet from the boundaries of the site, including but not limited to:
1. Lot Information. Locations, dimensions and legal descriptions of:
 - a. Existing property lines;
 - b. Setback lines as required by this Zoning Resolution;
 - c. Monuments;
 - d. Public and private easements of record; and,
 - e. North arrow and map scale.
 2. Topography and Natural Features including:
 - a. Existing topographic elevations in two-foot intervals;
 - b. Identification of steep slopes 15% or greater;
 - c. Location and elevations of existing watercourses and water bodies, including natural and/or manmade surface drainage ways, storm water controls, 100 year floodplain boundaries, riparian setback boundaries as required by this Zoning Resolution, and wetlands. A wetland delineation may be required;
 - d. Existing major vegetation, including all trees, 4" caliper or greater; and,
 - e. Other notable natural or man-made features.
 3. Existing structures. Existing buildings and other structures including but not limited to signs, fences, and existing structures to be demolished. Apply for demolition permit as required by Howland Township.
 4. Vehicular and pedestrian facilities including:
 - a. Location and design of existing drives, parking areas (indicate all spaces), loading and unloading areas, curbing, fire lanes, and curb cuts;
 - b. Location of existing public and private roads, and rights-of-way; and,
 - c. Public or private pedestrian routes, sidewalks, bike ways, barrier-free access.
 5. Utilities. Location of all utilities on site, including but not limited to:
 - a. Natural gas, electric, cable, telephone and associated easements;
 - b. Water supply lines and/or wells including fire hydrants and shut off valves;
 - c. Location and design of storm sewers, retention or detention ponds; and,
 - d. Waste water lines, clean out locations, connection points, and treatment systems including septic system if applicable.
- C. Site Development Plan. A plan of the site, drawn to a scale acceptable to the Township, indicating the location(s) of all proposed site development features, and all existing site features to remain, including but not limited to:
1. Lot Information. Locations, dimensions and legal descriptions, as proposed or existing to remain, of:
 - a. Gross and net acreage of all parcels in the project;
 - b. Property lines and public right-of-ways;
 - c. Public and private easements; and,
 - d. North arrow and scale.
 2. Proposed Topography and Natural Features. As proposed or existing to remain:
 - a. Topographic elevations in two foot intervals;

- b. Identification of steep slopes 15% or greater; and,
 - c. Location and elevations of watercourses and water bodies, including natural and/or manmade surface drainage ways, storm water controls, 100-year floodplain boundary, riparian setback boundary, and if present, wetlands and their setback boundary, if any.
3. Proposed Structures. As proposed or existing to remain:
- a. All structure(s), intended uses, dimensions, area (total and by floor) and height of each building;
 - b. All accessory structures including but not limited to signs and fences;
 - c. Required setback lines (zoning and riparian);
 - d. Proposed setbacks for all structures, parking, and signs;
 - e. Location of outdoor storage areas and screening treatments; and
 - f. Location and specifications for proposed above or below-ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials, as well as any containment structures or clear zones required by other government authorities.
4. Proposed Vehicular and Pedestrian Facilities. As proposed or existing to remain:
- a. Location and design of drives, parking areas (including spaces and drive aisles), loading and unloading areas, curbing, barrier-free access, fire lanes, and curb cuts;
 - b. Location of access easements, acceleration, deceleration, and passing lanes, if any, serving the development;
 - c. Points of ingress and egress;
 - d. Pedestrian circulation links with associated pavement markings and surface material type; and,
 - e. Other site features required by *Section 17 Parking and Loading Facilities* of this Resolution.
5. Proposed Utilities including:
- a. Natural gas, electric, cable, telephone and associated easements;
 - b. Location of proposed water supply lines and/or wells including fire hydrants and shut off valves;
 - c. Location and design of storm sewers, retention or detention ponds; and,
 - d. waste water lines, clean out locations, connection points, and treatment systems including septic system if applicable;
6. Site Information Summary Table. Include a summary table on the Site Development Plan. See example below.

SITE INFORMATION	REQUIRED	PROPOSED (SHOWN)
Zoning District	N/A	CRD-1
Lot Size (acres & sq. feet)	N/A	1.0 acre (43,560 sq. ft.)
Street Frontage	N/A	100 ft. (North River Road)
Landscaping - Shrubs 18" - 24" or larger	1/4 feet of frontage @ 100 ft.	25
Landscaping - Trees 1.5 caliper inches or larger	1/10 feet of frontage @ 100 ft.	15
Building Size	Minimum 1,200 sq. ft.	5,000 sq. ft.
	Maximum 10,000 sq. ft.	
Building Coverage	Maximum 25% of Lot	11.48%
Parking	1/100 @ 5,000 sq. ft. = 50	40 (variance required)
Impervious Surface Coverage (building, pavements, parking, drives, sidewalks)	Maximum 75% of Lot	48.28%
Green Space provided	Minimum 25% of Lot	51.72%
Front Building Setback (2 on corner lot)	100 feet	100 feet (along North River Road)
Side Building Setbacks/Direction	20 feet	20 feet/west
	20 feet	20 feet/east
Rear Building Setback	40 feet	35 feet
Front Parking Setback	30 feet	33 feet

Side Parking Setbacks/Direction	10 feet (except cross-access)	10 feet/west (one cross-access)
	10 feet (except cross-access)	10 feet/east
Rear Parking Setback	20 feet	25 feet
Building Height	35 feet	23.5 feet

D. Landscaping and Buffer Plan. Landscaping and buffer drawing and information shall be provided including but not limited to the following:

1. Base information shall include locations of existing and proposed :
 - a. Property lines and public rights-of-way;
 - b. Building outlines;
 - c. Parking area and loading/unloading areas; and,
 - d. North arrow and scale.
2. Plants and planting areas. Proposed and existing to remain plants and planting areas.
 - a. Location and specifications of proposed façade, perimeter and internal landscaping, and other buffering features to be shown on plan using architectural symbols with a legend;
 - b. For each proposed landscape material, the proposed size (caliper inches) and height at the time of planting and approximate size at the time of maturity must be indicated;
 - c. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location, or range of sizes as appropriate; and,
 - d. Include any calculations. Provide the common and full scientific name of all planting materials.
3. Screening and buffering. Location, elevation views, size, and specifications for screening of all trash receptacles, waste disposal facilities, bulkheads, docks, air conditioners, generators, alternative energy systems and the method of screening where applicable.
4. Miscellaneous Structures. Indicate locations, elevations, heights, and materials for proposed wall and/or ground mounted signs, flagpoles, berms, walls, fences, other screening features, and any other above-ground structures.
5. Utility service lines. Indicated utility locations including irrigation system if applicable.

E. Lighting and Sign Plan

1. Base information shall include locations of existing and proposed :
 - a. Property lines and public rights-of-way;
 - b. Building outlines, signs;
 - c. Parking area and loading/unloading areas; and,
 - d. North arrow and scale.
2. Lighting. Indicate locations and specifications for all exterior lighting fixtures including but not limited to:
 - a. Types of units, lamps or wattage, location of lights and mounting heights, color of poles and fixture;
 - b. An iso-foot-candle plan that shows typical foot-candle levels measured at grade across the site. A point photometric plan is required for major site plans; and,
 - c. Cross sections of all lighted perimeter areas immediately adjacent to existing residential properties indicating how exterior lighting will be designed to limit spillover light and control off-site glare.

F. Elevation Drawings and Material Samples:

1. Elevations drawn to a scale acceptable to the Township illustrating all front, rear, and side views of each structure and sign.
2. Full-color architectural elevations of the building façade and proposed building materials; and
3. Samples of building materials and colors (roof, facade, trim, etc.) shall be provided.

- G. Storm Water Pollution Prevention Plan (SWP3). Three copies of a Storm Water Pollution Prevention Plan (SWP3) shall be prepared with the same essential components and requirements as required by the Ohio Environmental Protection Agency (OEPA). Approval of the SWP3 by the Trumbull SWCD is required prior to the issuance of a Zoning Certificate.
- H. Storm Water Management Plan. Submit a Storm Water Management Plan, consistent with the requirements of Howland Township Resolutions. Approval of the storm water management plan by the Township Engineer is required prior to the issuance of a Zoning Certificate.
- I. Traffic Impact Analysis.
 - 1. The applicant shall provide information documenting the projected traffic impacts of the proposed new or expanded use of the site and for any change in ingress or egress to public roads. An analysis shall be completed of each use determining the impact the proposed use will have on the existing public roadway system. The analysis will identify how any effect can be mitigated. Where a new or expanded use is proposed which will increase trip generation of the site, the applicant shall provide an estimate of the number of trips to be generated in a peak hour. Trip generations shall be made using the most current edition of the Institute of Traffic Engineer's Trip Generation Manual.
 - 2. The Township may require review of traffic impact information by the Township Engineer at cost to the applicant. Additional information and analysis may be required at a cost to the applicant if determined necessary by the Township Engineer to ensure safe and efficient ingress to the site, and egress to public roads, and/or design of on-site and off-site vehicular improvements.
- J. Expenses. The applicant shall be responsible for the expenses incurred by the Township in reviewing the plan or any modifications to the plan. Such expenses may include, but are not limited to items such as the cost of engineering, planning, architectural, and legal services in connection with reviewing the plan and prepared reports, the publication and mailing of public notice in connection herewith, and any other reasonable expenses directly attributable to the application process.

I "C" DISTRICT (COMMERCIAL):

The following uses, and no other, shall be deemed COMMERCIAL:

- A. Any use permitted in "CRD" Corridor Review District shall be permitted in "C" Commercial District
- B. Commercial establishments as specified below:
 - 1. Assembly Halls;
 - 2. Bars, lounges, drive-in fast-food service, drive-thru beverage centers;
 - 3. Hotels, motels and tourist accommodations;
 - 4. Variety discount stores;
 - 5. Dry cleaning and laundry plants;
 - 6. Repair garages, gasoline and petroleum sales or storage;
 - 7. Repair shops for furniture, tools, appliances;
 - 8. Automobile, truck and tractor sales (new or used);
 - 9. Indoor theater, bowling alley, dance hall, roller skating rink, recreational parks which do not have power-driven rides accommodating four (4) persons as a part of their recreational facilities, outdoor theaters, arcades and residential type buildings for permanent display purposes;
 - 10. Job printing and newspaper printing plant;
 - 11. Plumbing, electrical or heating supply;
 - 12. Retail or wholesale lumber and building supply company;
 - 13. All other commercial services and mercantile establishments not specifically mentioned above.
 - 14. Churches and other places of worship.²³
- C. The above use shall be permitted only providing such use is not noxious, dangerous or offensive by reason of emission odor, dust, smoke, gas fumes, noise, flame or vibration; and adequate facilities for the temporary storage of refuse, waste, junk, objects to be repaired and disposed of are provided and the same screened from view.
- D. A "Zoning Use" permit is required for the commencement of any of the specific uses set forth above and such "Zoning Use" permit is also, required for a change of existing permitted use to another permitted use.
- E. No principal structure shall have less than 1,00 square feet of useable floor space.
- F. Wherever a use permitted in the "C" District is adjacent to any Residential Use including those permitted in "R-1", "R-2", "R-A-1", or "R-A-2" Residential Districts, a ten (10) foot "Buffer" shall be required along the side yard so abutting any residential use, and a thirty (30) foot "Buffer" shall be required along the rear yard so abutting any residential use. This "Buffer" shall provide a screen or mask or otherwise block the view of the "C" use from the residential use. (See Section 25: Definitions for meaning of "Buffer".)
- G. Whenever an area is set-aside outside of any structure to be used for the temporary storage of waste materials or debris, or of inventory, supplies or products that are or are intended to be changed, altered, or made into other forms so as to create or assist in creating finished products, that are related directly or indirectly or are incidental to retail activity, then , that storage area must be enclosed or screened from view by a wall, fence or other structure to a height of at least six (6) feet, and shall not be located in the front yard area, not closer than ten (10) feet to any adjoining property lines.²⁴
- H. The first ten (10) feet from the front property line, shall be reserved as a green area (except for access or driveways) to be planted and maintained with grass and/or vegetation. The area between the road pavement and the property line

²³ Amended 03/11/1997

²⁴ Effective 07/27/2001

(right-of-way) shall, also, be planted and maintained as a green area. In addition, there shall be a minimum of fifteen percent (15%) of the total land area reserved for green area, exclusive of parking, driveways or building area. Fifty percent (50%) of the green area shall be located within the front yard area (from the front of the structure to the front property line). When required, the side yard or rear yard "Buffer" shall be included in the fifteen percent (15%) green area.

- I. Set-back building line: a minimum of eighty (80) feet from the right-of-way side line of any road or street.
- J. Traffic Impact Analysis. Should the proposed development generate more than 100 trips (in & out) in the peak hour, an analysis shall be completed of each use determining the impact, if any, the proposed use will have on the existing roadway system. The analysis will identify how any effect can be mitigated. Trip generations shall be made using the most current edition of the Institute of Traffic Engineer's Trip Generation Manual
- K. Light industrial and manufacturing use:²⁵
 - 1 Purpose
The nature of commercial business will render certain large commercial structures vacant from time to time and create a hardship for both the property owner and the Township. Under certain conditions those structures could be used for light manufacturing purposes where the activity of the business closely mirrors intensive commercial uses, but also utilizes manufacturing uses that would not conform to the "C": Commercial District. The intent of this Light Industrial and Manufacturing Use is to allow those manufacturing activities that are not a nuisance including warehousing thereby utilizing vacant buildings that were used for retailing in commercial districts.
 - 2 Permitted Uses
The following uses and no other shall be deemed Light Industrial and Manufacturing uses which are usually controlled operations, relatively clean, quiet and free of objectionable or hazardous elements: operating and storing within enclosed structures: and generating little industrial traffic and no nuisances.
Any industrial or manufacturing use that assembles parts to form a finished product and where there is a limited manufacturing activity, provided such use is not noxious, dangerous, or offensive by reason of emission of odor, dust, smoke, gas, noise, flame, or vibration except uses specifically prohibited in these Resolutions, and that the storing of inventory, materials or products outside of the principal structure shall be enclosed in a fence or similar structure and not exposed to public view.
 - 3 Conditional Zoning Certificate
Any light industrial and Manufacturing use located in a "C" Commercial District, prior to operations, shall obtain a "Conditional Zoning Certificate" from the Howland Township Board of Zoning Appeals in accordance with Section 20 of this Resolution, to ensure the activities conducted by the applicant is not detrimental to any adjoining use, particularly residential uses.
A Conditional Zoning Certificate, when issued for a Light Industrial and Manufacturing business, shall become null and void should the business cease operation and/or the structure becomes vacant.
The business or enterprise that will be operating and located within the structure shall make an application for a Conditional Zoning Certificate. Whenever the applicant business is not the property owner then the applicant business must provide evidence that a lease, land contract or other similar legally enforceable instrument that allows for the use by the applicant or that any and all property owners consent to the application for a Conditional Zoning Certificate.
 - 4 Development Standards
 - a. In order to be eligible for a Conditional Zoning Certificate, the subject property must be zoned "C" Commercial District and have a commercial structure that was previously used for retailing and

²⁵ Effective 8/11/2001

that is at least twenty five thousand (25,000) square feet in size and located upon a parcel that is at least one (1) acre or forty three thousand five hundred sixty (43,560) square feet of land area.

- b. When the existing structure or property is to be enlarged, altered, reconstructed, or changed in any way then those "Development Standards" applicable for a "C" commercial District shall prevail, including those provisions as required for Sections 11, 12, 13, 14, 15, 16, 17, and 18 of these Regulations.
- c. Minimum standards to comply with for the issuance of the "Conditional Zoning Certificate" shall be:
 - i. A description of the proposed activities to occur shall be submitted that identifies any activity that created a nuisance and a plan to mitigate those negative or noxious activities, particularly noise nuisance that is audible to adjacent properties with a plan to mitigate that noise within the structure.
 - ii. A traffic impact analysis shall be prepared by the applicant to determine the impact if any, the business vehicular traffic generated by employees, customers, clients and trucks will have on the existing roadway systems. The analysis shall identify how any effect can be mitigated including the timing of employee shift hours. Trip generation analysis shall be made using the most current edition of the Institute of Traffic Engineer's Trip Generation Manual.
 - iii. The parking requirements must be met as are required in Section 17: Parking Facilities, (B.1.f) and that off-street loading and unloading areas can be achieved as required on Section 17 (F), including the submission of a detailed plot plan.
 - iv. The applicant shall submit a business plan demonstrating financial stability so that the Board of Appeals can be reasonably assured of the business's viability and continuing operation.
- d. The applicant, within six (6) months after issuance of the Conditional Zoning Certificate shall submit evidence that the business has complied with the standards as approved by the Board of Zoning Appeals and every three (3) years thereafter. If the Board of Zoning Appeals finds that the business has not complied with the approved standards than the Board of Zoning Appeals has the power of revocation of said Conditional Zoning Certificate.

L. For permitted signs see SECTION 10: OUTDOOR ADVERTISING.

II "I" DISTRICT (INDUSTRIAL AND MANUFACTURING):

The following uses and no other shall be deemed "I" (Industrial and Manufacturing) uses and permitted in all "I" Districts.

- A. Any use Permitted in "C" Commercial, District shall be permitted in an "I" Industrial and Manufacturing District.
- B. Any normal Industrial or manufacturing use, provided such use is not noxious, dangerous, or offensive by reason of emission of odor, dust, smoke, gas, noise, flame or vibration except uses specifically prohibited in these Resolutions.
- C. In any "I" Industrial and Manufacturing District, the minimum requirement set forth in these Resolutions for residential use of land need not apply. This provision shall apply to the requirements for Sections 13, 14, 15 and 16 of these Resolutions
- D. No principal structure shall have less than 1,200 square feet of useable floor space.²⁶

²⁶ Effective 10/10/1996

- E. Wherever a use permitted in the "I" District is adjacent to any Residential Use including those permitted in "R-1", "R-2", "R-A-1", or "R-A-2" Residential Districts, a ten (10) foot "Buffer" shall be required along the side yard so abutting any residential use, and a thirty (30) foot "Buffer" shall be required along any rear yard to abutting any residential use. This "Buffer" shall provide a screen or mask or otherwise block the view of the "I" use from the residential use. (See Section 25: Definitions for meaning of "Buffer".)
- F. Set-back building line: a minimum of eighty (80) feet from the right-of-way side line of any road or street.
- G. Storm Water Drainage and Soil Erosion Control Plan. Refer to Section 7, Paragraph H. Construction Site Conservation Plan
- H. For permitted signs see SECTION 10: OUTDOOR ADVERTISING.
- I. CONDITIONAL ZONING CERTIFICATES²⁷
 - 1. The following uses require a Conditional Zoning Certificate, granted by the Howland Township Board of Zoning Appeals in accordance with Section 20 of these Resolutions and subject to the requirements as defined within these Resolutions:
 - a. Adult Entertainment Business (see Section 25: Definitions).
 - b. Amusement Park.
 - c. Brewery (except that brewery operations primarily servicing an on-site restaurant use shall be considered a permitted use in "CRD-1", "CRD-2", "C", AND "I" zoning districts).
 - d. Bulk petroleum station with tanks above ground, distilling or cracking plants, or plants used in refining of gasoline and oil products.
 - e. Distilling of bones, fat or glue. Glue or gelatin manufacturing.
 - f. Junk yards, automobile grave yards (including the temporary or permanent storage of unlicensed and/or inoperable vehicles), places for the collection or sale of scrap metal, salvaged automobile parts, paper, rags, glass, junk for salvage or storage purposes, storing old tires, except where this use is an integral part in the manufacturing process.
 - g. Commercial zoos or zoological parks.
 - h. Slaughter houses.
 - 2. Development Standards (Conditionally Permitted uses shall be required to meet all "I" Industrial zoning regulations unless otherwise specified below):
 - a. Setbacks from existing uses: No conditionally permitted structure or land use shall be located closer than one thousand (1000) feet to any church or other place of worship; residential area; public park; or any other conditionally permitted structure or use.
 - b. Minimum lot width: Eighty (80) feet at the building line.
 - c. Minimum front set-back: Eighty (80) feet.
 - d. Minimum side yard: Twenty (20) feet.
 - e. Minimum rear yard: Twenty (20) feet.
 - f. Other health and safety requirements: The Howland Township Board of Appeals shall have the authority to specify additional requirements in order to protect the health and safety of township residents.

²⁷ Amended 03/11/1997

SECTION 6: RIPARIAN SETBACKS²⁸

6.01	Public Purpose
6.02	Applicability, Compliance and Violations
6.03	Conflicts with Other Regulations and Severability
6.04	Definitions
6.05	Establishment of Designated Watercourses and Riparian Setbacks
6.06	Applications and Site Plans
6.07	Permitted Structures and Uses
6.08	Conditional Uses
6.09	Prohibited Uses
6.10	Non-Conforming Structures or Uses in Riparian Setback
6.11	Variations within Riparian Setbacks
6.12	Procedures for Variations and Appeals
6.13	Inspection of Riparian Setbacks
6.14	Penalty

6.01 PUBLIC PURPOSE: It is determined that the system of rivers, streams, and other natural watercourses within Howland Township contribute to the health, safety, and general welfare of the residents of Howland Township. The specific purpose and intent of this regulation is to regulate uses and buildings and structures within riparian setback areas that would impair the ability of the riparian area to:

- A. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.
- B. Assist in stabilizing the banks of designated watercourses to reduce woody debris from fallen or damaged trees, stream bank erosion, and the downstream transport of sediments eroded from designated watercourse banks.
- C. Reduce pollutants in designated watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in designated watercourses.
- D. Reduce pollutants in designated watercourses by filtering, settling, and transforming pollutants before they enter designated watercourses.
- E. Provide designated watercourse habitats with shade and food.
- F. Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system.
- G. Provide habitat to a wide array of wildlife by maintaining diverse and connected riparian vegetation.
- H. Benefit Howland Township by minimizing encroachment on designated watercourse channels and the need for costly engineering solutions such as gabion baskets and rip rap to protect structures and reduce property damage and threats to safety of watershed residents; and by contributing to the scenic quality of Howland Township, and thereby preserving the character of the township, the quality of life of its residents, and corresponding property values.

6.02 APPLICABILITY, COMPLIANCE AND VIOLATIONS

- A. This regulation shall apply to all zoning districts.
- B. This regulation shall apply to all structures and uses on lands containing a designated watercourse as defined in this regulation, except as provided herein.
- C. No approvals or permits shall be issued by Howland Township without full compliance with the terms of this regulation.

²⁸Section Effective Oct. 2009. Replaced Floodplain Regulations
Amended January 11, 2014 (definitions removed, reformatted)

6.03 CONFLICTS WITH OTHER REGULATIONS AND SEVERABILITY

- A. Where this regulation imposes a greater restriction upon land than is imposed or required by any other provision of law, regulation, contract, or deed, the provisions of this regulation shall control.
- B. This regulation shall not limit or restrict the application of other provisions of law, regulation, contract, or deed, or the legal remedies available thereunder, except as provided in *Section 6.03(A)* of this regulation.
- C. If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, validity of the remainder shall not be affected thereby.

6.04 DEFINITIONS FOUND IN THE DEFINITION SECTION OF THIS RESOLUTION

6.05 ESTABLISHMENT OF DESIGNATED WATERCOURSES AND RIPARIAN SETBACKS

- A. Designated watercourses shall include those watercourses meeting any ONE of the following criteria:
 - 1. All watercourses draining an area greater than ½ square mile, OR
 - 2. All watercourses draining an area less than ½ square mile and having a defined bed and bank. In determining if watercourses have a defined bed and bank, Howland Township may consult with technical experts as necessary. Any costs associated with such consultations may be assessed to the applicant.
- B. Riparian Setbacks on designated watercourses are established as follows:
 - 1. A minimum of 120 feet on either side of all watercourses draining an area equal to or greater than 20 square miles.
 - 2. A minimum of 75 feet on either side of all watercourses draining an area less than 20 square miles and equal to or greater than one-half (0.5) square mile.
 - 3. A minimum of 25 feet on either side of all watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank as determined in *Section 6.05(A)* of this regulation.
- C. The following shall apply to the Riparian Setback Map:
 - 1. It shall be used as a reference document and the information contained therein shall be believed to be accurate.
 - 2. It shall be a guide only.
 - 3. Nothing herein shall prevent Howland Township from making additions, amendments, revisions, or deletions from the Riparian Setback Map from time to time as may be necessary.
 - 4. If any discrepancy is found between the Riparian Setback Map and this regulation, the criteria set forth in *Section 6.05(A) and(B)* shall prevail.
- D. The following conditions shall apply to the Riparian Setbacks:
 - 1. Riparian Setbacks shall be measured in a horizontal direction outward from the ordinary high

water mark of each designated watercourse.

2. Except as otherwise provided in this regulation, Riparian Setbacks shall be preserved in their natural state.
3. Where the one hundred year floodplain is wider than the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the one hundred year floodplain as delineated on the flood hazard map(s) for the affected area provided by FEMA. If a FEMA defined floodplain does not exist for a designated watercourse, Howland Township may require site specific floodplain delineation in conformance with standard engineering practices and approved by Howland Township. Any costs associated with reviewing this site-specific floodplain delineation may be assessed to the applicant.
4. Where wetlands protected under federal or state law are identified within a minimum riparian setback, the setback shall consist of the full extent of the wetlands plus the following additional setback widths:
 - a. A 50-foot setback extending beyond the outer boundary of Category 3 wetlands.
 - b. A 30-foot setback extending beyond the outer boundary of Category 2 wetlands.
 - c. No additional setback shall be required adjacent to Category 1 wetlands.
5. Wetlands shall be delineated through a site survey prepared by a qualified wetlands professional retained by the landowner using the latest delineation protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under this regulation. Any costs associated with reviewing these delineations may be assessed by Howland Township to the applicant.

6.06 APPLICATIONS AND SITE PLANS

- A. The applicant shall be responsible for delineating Riparian Setbacks as required by this regulation and shall identify such setbacks on all subdivision plans, land development plans, and/or zoning permit applications submitted to Howland Township. This delineation shall be done at the time of application of preliminary plans, or all plans that are required, or at the time of submission of any permit applications. The site plan shall be prepared by a professional engineer, as determined by Howland Township and shall be based on a survey of the affected land. Two (2) copies of the site plan shall be submitted.

The site plans shall include the following information:

1. The boundaries of the lot with dimensions.
 2. The locations of all designated watercourses.
 3. The limits, with dimensions, of the Riparian Setbacks.
 4. The existing topography at intervals of two (2) feet.
 5. The location and dimensions of any proposed structures or uses, including proposed soil disturbance, in relationship to all designated watercourses.
 6. North arrow, scale, date, and stamp bearing the name and registration number of the qualified professional who prepared the site plan.
 7. Other such information as may be necessary for Howland Township to ensure compliance with this regulation.
- B. Howland Township may, in reviewing the site plan, consult with the Trumbull SWCD or other such experts. Any costs associated with this review may be assessed to the applicant. The site plan shall not take the place of a soil erosion and sedimentation control plan and/or a storm water pollution prevention plan.
 - C. If soil disturbing activities will occur within 50 feet of the outer boundary of the applicable Riparian Setback, as specified in this regulation, the Riparian Setback shall be clearly identified by the applicant

through the use of construction fencing on-site, which shall be shown on the site plan. Such identification shall be completed prior to the initiation of any soil disturbing activities and shall be maintained throughout soil disturbing activities.

- D. No approvals or permits shall be issued by Howland Township prior to identification of Riparian Setbacks on the affected land in conformance with this regulation.
- E. Upon completion of an approved subdivision, the Riparian Setback shall be permanently recorded on the plat records for the County of Trumbull.

6.07 PERMITTED STRUCTURES AND USES

The following structures and uses are permitted in the Riparian Setback without a zoning certificate. No structures or uses permitted under this regulation shall allow trespass on, or public access to, privately held lands.

- A. Recreational Activity. Hiking, fishing, hunting, picnicking, and similar passive recreational uses, as permitted by federal, state, and local laws and associated structures including boardwalks, pathways constructed on pervious material, picnic tables, and wildlife viewing areas.
- B. Removal of Damaged or Diseased Trees. Damaged or diseased trees may be removed.
- C. Revegetation and/or Reforestation. Riparian Setbacks may be revegetated and/or reforested with non-invasive plant species.
- D. Water Supply Wells. Water supply wells for the purpose of serving permitted structures or uses on lots of record shall be allowed.

6.08 CONDITIONAL USES

The following structures and uses may be permitted in a Riparian Setback, subject to the approval of an application for a conditional zoning certificate by the Howland Township Board of Zoning Appeals and in accordance with the following regulations and such other applicable regulations contained in this zoning resolution. When granting conditional zoning certificates for the following uses, the Howland Township Board of Zoning Appeals may, for good cause, attach such conditions as it deems appropriate. Certificates issued under this regulation are issued to the applicant only, shall not be transferred, and shall be void if not implemented within one (1) year of issuance.

- A. Crossings: Crossings of designated watercourses through Riparian Setbacks with roads, driveways, easements, bridges, boardwalks, culverts, utility service lines, or other means may be permitted provided such crossings minimize disturbance in Riparian Setbacks and mitigate any necessary disturbances. Such crossings shall be designed by a professional engineer licensed in the State of Ohio and only be undertaken upon approval of a Crossing Plan by the Howland Township Planning & Zoning Director. Any costs associated with review of Crossing Plans may be assessed to the applicant.
 - 1. One driveway crossing per stream per tax parcel will be allowed for individual landowners.
 - 2. Roadway crossing for major and minor subdivisions, open space subdivisions, or any other non-single family residential use shall be designed and constructed per the Howland Township Storm Water & Site Development Standards (HR 2005-06) and must be approved by the Trumbull County Planning Commission and Howland Township. No more than two crossings per 1,000 linear feet of stream center is permitted.
 - 3. All roadway crossings shall be perpendicular to the stream flow and shall minimize disturbance to the Riparian Setback area and shall mitigate any necessary disturbances.

4. If work will occur below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a US Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall also be provided to Howland Township. Proof of compliance shall be the following:

- A site plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit, or
- A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or
- A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

B. Streambank Stabilization and Erosion Control Measures. Streambank stabilization projects along designated watercourses may be allowed, provided that such measures use natural stream channel design principles. Such streambank stabilization measures shall only be undertaken upon approval of a Streambank Stabilization Plan by the Howland Township Planning & Zoning Director. Any costs associated with review of Streambank Stabilization Plans may be assessed to the applicant.

1. If streambank stabilization work is proposed below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a US Army Corps of Engineers Section 404 Permit (either a Nationwide Permit 13, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification) shall be provided to Howland Township. Proof of compliance shall be the following:

- A site plan showing that any proposed activity conforms to the general and special conditions of Nationwide Permit 13, or
- A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under Nationwide Permit 13, or
- A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

6.09 PROHIBITED USES

Any use not authorized under this regulation shall be prohibited in Riparian Setbacks. By way of example, the following uses are specifically prohibited. However, prohibited uses are not limited to those examples listed here:

- A. Construction. There shall be no buildings or structures of any kind.
- B. Dredging or Dumping. There shall be no filling, dredging, or dumping of soil, spoils, liquid, or solid materials.
- C. Fences and Walls: There shall be no fences or walls, except as permitted under this regulation.
- D. Roads or Driveways. There shall be no roads or driveways, except as permitted under this regulation.
- E. Motorized Vehicles. There shall be no use, parking, or storage of motorized vehicles, except as permitted under this regulation.
- F. Disturbance of Natural Vegetation: There shall be no disturbance of natural vegetation within Riparian Setbacks except for the following:

1. Maintenance of lawns, landscaping, shrubbery, or trees existing at the time of passage of this regulation.
 2. Cultivation of lawns, landscaping, shrubbery, or trees in accordance with a landscaping plan submitted to the Howland Township Planning & Zoning Department in conformance with this regulation.
 3. Conservation measures designed to remove damaged or diseased trees or to control invasive plant species.
 4. Revegetation and/or reforestation as permitted under this regulation.
 5. Nothing in this section shall be construed as requiring a landowner to plant or undertake any other activities in the Riparian Setback provided the landowner allows for natural succession.
- G. Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles: There shall be no parking spaces, parking lots, or loading/unloading spaces.
- H. New Surface and/or Subsurface Sewage Disposal or Treatment Areas. Riparian Setbacks shall not be used for the disposal or treatment of sewage, except as necessary to repair or replace an existing home sewage disposal system in accordance with local health district regulations.
- I. Storm Water Retention and Detention Facilities: Riparian Setbacks shall not be used for storm water retention and detention facilities

6.10 NON-CONFORMING STRUCTURES OR USES IN RIPARIAN SETBACK

Reference the Howland Township Zoning Resolution Section 9: Nonconformities.

6.11 VARIANCES WITHIN RIPARIAN SETBACKS

- A. The Board of Zoning Appeals may grant a variance to this regulation as provided herein. In granting a variance, the following standards shall apply:
1. In determining whether there is unnecessary hardship with respect to the use of a property or practical difficulty with respect to maintaining the Riparian Setback as established in this regulation, such as to justify the granting of a variance, the Board of Zoning Appeals shall consider the potential harm or reduction in riparian functions that may be caused by a proposed structure or use.
 2. The Board of Zoning Appeals may not authorize any structure or use in a Zoning District other than those authorized in the Zoning Resolution.
 3. Variances shall be void if not implemented within one (1) year of the date of issuance.
- B. In making a determination under *Section 6.11* of this regulation, the Board of Zoning Appeals may consider the following:
1. The natural vegetation of the property as well as the percentage of the parcel that is in the riparian setback.
 2. The extent to which the requested variance impairs the flood control, erosion control, water quality protection, or other functions of the Riparian Setback. This determination shall be based on the technical recommendation made by the Trumbull Soil and Water Conservation District or other conservation resource agencies.
 3. The degree of hardship, with respect to the use of a property or the degree of practical difficulty with respect to maintaining the Riparian Setback as established in this regulation, placed on the landowner by this regulation and the availability of alternatives to the proposed structure or use.
 4. Soil-disturbing activities permitted in the Riparian Setback through variances should be implemented to minimize clearing to the extent possible and to include Best Management Practices

- necessary to minimize erosion and control sediment.
5. The presence of significant impervious cover, or smooth vegetation such as maintained lawns, in the Riparian Setback compromises its benefits to Howland Township. Variances should not be granted for asphalt or concrete paving in the Riparian Setback. Variances may be granted for gravel driveways when necessary.
 6. Whether a property, otherwise buildable under the ordinances of Howland Township, will be made unbuildable because of this regulation.
- C. In order to maintain the Riparian Setback to the maximum extent practicable, the Board of Zoning Appeals may consider granting variances to other area or setback requirements imposed on a property by the Zoning Resolution.
- D. In granting a variance under this regulation, the Board of Zoning Appeals, for good cause, may impose such conditions that it deems appropriate to maintain the purposes of this regulation.

6.12 PROCEDURES FOR VARIANCES AND APPEALS

- A. Any applicant seeking a variance to the conditions imposed under this regulation or an appeal to an administrative decision made under this regulation may apply or appeal to the Board of Zoning Appeals. The following conditions shall apply:
1. When filing an application for an appeal to an administrative decision, the applicant shall file a notice of appeal specifying the grounds with the Board of Zoning Appeals within twenty (20) days of the zoning official's decision. Upon determining that the application is complete and upon receipt of the fee, the zoning official shall transmit to the Board of Zoning Appeals the application along with any supporting documentation constituting the record from which the administrative decision subject to appeal was based.
 2. When applying for a variance, the applicant shall file a variance request application with the Board of Zoning Appeals, through the Planning and Zoning Department.
 3. Applications for variances or appeals of administrative decisions shall not be resubmitted to the Board of Zoning Appeals within one (1) year of the date of a final decision by the Board of Zoning Appeals on the original application, unless the original application shows the Board of Zoning Appeals either of the following:
 - a. Newly discovered evidence that could not have been presented with the original submission, or
 - b. Evidence of a substantial change in circumstances since the time of the original submission.
 4. A decision by the Board of Zoning Appeals in response to an application for a variance request or an appeal of an administrative decision filed pursuant to this regulation shall be final.

6.13 INSPECTION OF RIPARIAN SETBACKS

- A. The identification of Riparian Setbacks shall be inspected by Trumbull County Soil and Water Conservation District, and Howland Township, or an entity designated by Howland Township:
1. When a preliminary subdivision plat or other land development plan is submitted to Trumbull County; or
 2. When a zoning permit is requested; or
 3. Prior to soil disturbing activities to inspect the delineation of the Riparian Setback as required by these regulations.
- B. Any time evidence is brought to the attention of Howland Township that uses or structures are occurring

that may reasonably be expected to violate the provisions of this regulation.

6.14 PENALTY

Reference the Howland Township Zoning Resolution Section 20.08: Enforcement.

SECTION 7: RESERVED

SECTION 8: PROHIBITED USES AND PROPERTY CONDITIONS²⁹

8.01 Prohibited Uses and Property Conditions in All Districts

8.02 Prohibited Uses in All Districts Except "I" Industrial and Manufacturing

8.03 Prohibited Uses In All Districts Except "I" Industrial and Manufacturing Where They Are Conditionally Permitted

8.01 THE FOLLOWING USES AND PROPERTY CONDITIONS SHALL BE PROHIBITED IN ALL DISTRICTS:

- A. Manufacturing or storing of explosives, gun powder, or fireworks.
- B. Dumping, storing, burying, reducing, disposing of or burning, junk, garbage, refuse, tires, car parts, construction materials, appliances, scrap metal, cloth, paper, plastic, wood, toxic wastes, medical wastes, or wastes from soil contaminant plants, rubbish, offal and dead animals (except where permitted as a Conditional Use in "I" Industrial and Manufacturing Districts).³⁰
- C. Raising Mink
- D. The parking or storing of a vehicle (see Section 25:Definitions) on a lawn or dirt surface.
- E. Existence of any physical condition that may constitute an attractive nuisance to children, including, but not limited to, abandoned wells or shafts, open excavations, or unsecured structures.³¹
- F. Existence of holes, breaks, loose or rotting materials, on exterior walls or roofs of structures.³²
- G. The parking or storing of an abandoned, dismantled, wrecked, inoperable, and/or unlicensed motor vehicle, unless parked or stored in a garage, barn, or other structure, and not exposed to public view.
 - 1. Junk motor vehicle means a motor vehicle that meets all of the following criteria: three model years or older, apparently inoperable and extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine or transmission.
 - 2. Notwithstanding Section 20.08 of the Howland Township Zoning Resolution, the maximum fine for violation of Section 8.01(G) shall not exceed \$100.00 per violation; each day may constitute a separate violation. All other remedies provided by said Section 20.08 may be enforced.
- H. Any other use or property condition that constitutes a health hazard, safety hazard, or general nuisance to the general public.
- I. No person, firm, partnership, or corporation or other entity shall operate a massage establishment within the unincorporated territory of Howland Township. This prohibition does not apply to the practice of any limited branch of medicine or surgery in accordance with RC 4731.15 or the practice of providing therapeutic massage by a licensed physician, a licensed chiropractor, a licensed podiatrist, a licensed nurse, or any other health professional certified or registered to practice in the State of Ohio.³³

²⁹ Amended 02/27/1999, January 11, 2014 (reformatted)

³⁰ Amended 02/27/1999

³¹ Added 02/27/1999

³² Added 02/27/1999

³³ Added January 11, 2014

8.02 THE FOLLOWING USES SHALL BE PROHIBITED IN ALL DISTRICTS EXCEPT "I" INDUSTRIAL AND MANUFACTURING³⁴

- A. The parking or storing of a semi-tractor and /or trailer, motor vehicle over one tone capacity or 16,000 lbs. gross vehicle weight, or any equipment customarily used for commercial or industrial purposes.
- B. The parking or storing of a utility trailer, aircraft, or piece of farm equipment outside of a garage, or otherwise exposed to public view.

8.03 THE FOLLOWING USES SHALL BE PROHIBITED IN ALL DISTRICTS EXCEPT "I" INDUSTRIAL AND MANUFACTURING WHERE THEY ARE CONDITIONALLY PERMITTED USES:³⁵

- A. Adult Entertainment Businesses (see Section 25: Definitions).
- B. Amusement Park.
- C. Brewery (except that brewery operations primarily servicing an on-site restaurant use shall be considered a permitted use in "CRD-1", "CRD-2", "C", AND "I" zoning districts).³⁶
- D. Bulk petroleum station with tanks above ground, distilling or cracking plants, or plants used in refining of gasoline and oil products.
- E. Distilling of bones, fat, or glue.
- F. Glue or gelatin manufacturing.
- G. Junk yards, automobile grave yards (including the temporary or permanent storage of unlicensed and/or inoperable vehicles), places for the collection or sale of scrap metal, salvaged automobile parts, paper, rags, glass, junk for salvage or storage purposes, storing old tires, except where this use is an integral part in the manufacturing process.
- H. The operation, maintenance, storage, or housing of commercial buses or school buses.
- I. Slaughter houses.
- J. Zoos or zoological parks.
- K. Crematoriums.³⁷
- L. Medical Waste Incinerators.³⁸

³⁴ Amended 02/27/1999

³⁵ Moved from "I" district 02/27/1999

³⁶ Amended 02/27/1999

³⁷ Added 02/27/1999

³⁸ Added 02/27/1999

SECTION 9: NONCONFORMITIES³⁹

9.01	Purpose
9.02	Nonconforming Use
9.03	Nonconforming Structure
9.04	Nonconforming Lot
9.05	Completion of Approved Construction
9.06	Jurisdiction
9.07	Nonconforming Signs

9.01 PURPOSE

- A. The purpose of this section is to provide for the regulation of uses, structures, and lots lawfully established prior to the enactment of this Zoning Resolution and amendments hereto but which do not conform to the existing provisions of this Zoning Resolution.
- B. Lawfully established uses, structures, and lots may be continued, despite their nonconforming conditions, subject to the provisions of this Resolution which provide for their completion and continued use, but also provide for reasonable regulation of their restoration, reconstruction, extension, and substitution.
- C. While it is the intent of this Resolution to permit nonconforming conditions to continue until abandoned, removed, or abated, a nonconformity is deemed incompatible with currently permitted uses and requirements in the zoning district in which it exists and with the adopted plans of the Township and shall be discouraged, especially where the nonconformity constitutes a nuisance or hazard.

9.02 NONCONFORMING USE

- A. Continuance of Lawful Nonconforming Use. The lawful use of any building or land existing at the effective date of this Resolution or amendments may be continued, although the use does not conform with the provisions of this Resolution subject, however, to the provisions of this Section 9.
- B. Discontinuance or Abandonment. Whenever a nonconforming use has been discontinued for a period of two (2) years or more, any further use shall be in conformity with provisions of this Resolution. A nonconforming use which has been abandoned shall not be replaced by a nonconforming use. Among other causes, a nonconforming use shall be deemed abandoned when the use has been replaced by a conforming use.
- C. Change in Use. When a nonconforming use has been changed to a more restricted use or to a conforming use, the use shall not thereafter be changed to a less restricted or nonconforming use. A nonconforming use may be changed to another nonconforming use provided that the changed nonconforming use is identical or in less conflict with the character and use of the district than the existing nonconforming use as determined by the Board of Zoning Appeals.

In making such determination, the Board shall consider, among other factors, the following:

1. Whether the change of use results in the same or a reduction of such impacts as offensive noise, odors, vehicular traffic, or exterior lights.
 2. Whether the proposal for change of use maintains the same site conditions and operational characteristics or proposes new mitigating features such as fences, larger setbacks, landscaping, façade improvements, or reduced hours of operation.
- D. Displacement. Except as provided in Subsections 9.02E and 9.03A below, no nonconforming use shall be extended to displace a conforming use.
 - E. Enlargement of Use. A nonconforming use may be enlarged to expand the area of the use in one or more additions, provided that the total area of the expansions does not exceed twenty-five percent (25%) of the

³⁹ Amended January 11, 2014

area of the use as it existed at the time the use became nonconforming and provided that the area or intensity or nature of a use shall not be enlarged in any manner which creates or increases a nuisance or hazard affecting or potentially affecting the surrounding properties or the community.

- F. District Changes. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another of a different classification, the foregoing provisions shall also apply to any nonconforming use existing therein.

9.03 NONCONFORMING STRUCTURE

- A. Enlargements. A nonconforming structure may be enlarged to extend such structure to a total area not to exceed twenty-five percent (25%) more than the area of the structure as it existed at the time it became nonconforming.
- B. Restoration of Damaged Structure. Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any nonconforming structure damaged by fire, collapse, explosion, or acts of God, subsequent to the date of this Resolution, provided that:
 - 1. In the case of a structure for commercial use, not more than fifty percent (50%) of the value of the structure was lost in the damage event; and
 - 2. the replacement or repair does not extend the nonconformity except as permitted in Section 9.02E above; and
 - 3. the reconstruction or restoration is completed within two (2) years after the date of destruction.In the case of a structure for commercial use, when more than fifty percent (50%) of the value of the structure is lost in the damage event, the structure shall not be reconstructed except in a manner conforming to these Regulations⁴⁰.
- C. Unsafe Structures. Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition of any portion of a nonconforming building or structure declared unsafe by a proper authority.
- D. Repairs and Maintenance. Repairs and maintenance work as required to keep a nonconforming structure in sound condition are permitted.

9.04 NONCONFORMING LOT

- A. When a nonconforming lot of record, at the effective date of this resolution or amendment thereto, can be used in conformity with all applicable provisions of this Zoning Resolution, except that the area, width or depth of the lot is nonconforming, then the lot may be used as if its area, width or depth were conforming.
- B. When conforming use of a nonconforming lot of record, at the effective date of this resolution or amendment thereto, cannot reasonably be established due to the yard or setback requirements of the district in which the lot is located, the Board of Zoning Appeals may grant variances to yard or setback requirements as necessary to establish a permitted use of the district, provided that there is no contiguous land in common ownership with the subject lot which could be used to reduce or eliminate the nonconformity and the variance meets all other variance standards of this Resolution.

9.05 COMPLETION OF APPROVED CONSTRUCTION

Nothing in this Resolution shall prohibit the completion of construction and the use of a nonconforming structure for which a zoning certificate has been issued prior to the effective date of this Resolution, or any amendment, provided that construction is commenced within one (1) year after the zoning certificate was issued.

9.06 JURISDICTION

- A. Whenever an application is submitted to the Zoning Inspector for a zoning certificate for:
 - 1. a use or structure which displaces a nonconforming use or structure;
 - 2. for the use of a nonconforming lot in a manner which is in compliance with the provisions of this Zoning Resolution; or
 - 3. for an alteration to a dwelling which does not increase the nonconformity of the dwelling,

⁴⁰ Section 9.03(B) amended October 23, 2015.

then the Zoning Inspector shall take action upon the application as provided for any zoning certificate.

- B. Except as provided in Section 9.06A above, whenever an application is submitted to the Zoning Inspector for a zoning certificate for the alteration, expansion, substitution, reconstruction, or replacement of a nonconforming use or of a nonconforming structure, or for a use or construction upon a nonconforming lot, the land owner shall submit the application to the Board of Zoning Appeals for review and action. The Board shall take action to direct the Zoning Inspector to issue or deny the application not later than sixty (60) days after the date of the meeting at which the application was first considered by the Board, unless a longer time for consideration is agreed by the Board and the applicant.
- C. The Board of Zoning Appeals shall have the authority to establish reasonable conditions and requirements as it deems necessary to carry out the purposes of this Zoning Resolution. Reasonable conditions and requirements may include but are not limited to:
 - 1. regulation of the locations and dimensions of uses and structures;
 - 2. regulation of the manner and times of operation of the use;
 - 3. requirements for architectural and landscaping design features including necessary buffer features;
 - 4. requirements for fees or exactions necessary to mitigate the impacts of the approved changes in the nonconforming use or structure.

9.07 NONCONFORMING SIGNS

Nonconforming Signs shall be subject to the provisions of Section 10: Signs.

SECTION 10: SIGNS⁴¹⁴²

- 10.01 Purpose
- 10.02 Applicability and Exemptions
- 10.03 General Requirements
- 10.04 Authorized Signs: Sign Permit Required
- 10.05 Authorized Signs: Sign Permit Not Required
- 10.06 Prohibited Signs

10.01 PURPOSE

This Section 10: Signs establishes the minimum necessary regulation of signs for the following purposes:

- A. Encouraging the effective use of signs as a means of communication;
- B. Minimizing the possible adverse effects of signs on nearby public and private property and thereby maintaining and promoting property values;
- C. Creating an attractive economic and business climate,
- D. Enhancing and protecting the physical appearance of the community;
- E. Promoting the safety of vehicular and pedestrian travelers on roadways;
- F. Seeking to preserve and protect the public's First Amendment rights.

10.02 APPLICABILITY AND EXEMPTIONS

- A. Unless otherwise provided by this Section, the regulations contained within this Section shall apply to all signs and to all zoning districts. This Section shall apply to all signs currently existing; to any sign erected, constructed, or altered after the effective date of this Section; and to any sign which replaces an existing sign or component thereof.
- B. Noncommercial speech may be substituted for duly permitted commercial speech provided that the sign structure complies with the requirements in this Section without consideration of message content. Such substitution of message may be made without any additional approval or permitting, except where a permit is necessary to document that the physical change to the sign does not create a nuisance or safety hazard. This provision prevails over any provision to the contrary in this Section.

10.03 GENERAL REQUIREMENTS

- A. Sign Permits.
 - 1. A sign permit shall be required for new construction, installation, alteration, and structural repairs of a sign and for permanent signs and temporary signs as required by this Section.
 - 2. Sign permits shall be issued by the Howland Township Zoning Department.
 - 3. Procedure.
 - a. An applicant seeking a sign permit shall submit a complete application on forms provided by the Township together with information or exhibits required to clearly document the proposed sign or changes thereto.
 - b. The applicant shall be the owner, or a person authorized by the lot owner, to submit an application of the lot on which the subject sign is located or proposed to be located.

⁴¹ Amended 8/2012

⁴² Amended 2/2020

- c. Upon receipt of a complete application, the Zoning Department shall review the applications and shall, within five (5) working days of receipt, either issue a sign permit or issue to the applicant a written statement of disapproval stating the specific requirements of this Section which would be violated by the proposed sign.
- d. If the Department issues a statement of disapproval, the applicant may submit a written appeal to the Board of Zoning Appeals.

B. Measurement of Sign Face, Sign Height, Width, and Setbacks

1. Sign Face: Freestanding Sign.

- a. The sign face of a freestanding sign shall be computed by measuring the area bound within a single rectangle enclosing all lettering, numbers, emblems, logos, trademarks, shapes, patterns, or other figures or elements together with the panel or cabinet surface upon which they are mounted, and trims or elements integral to and visible in the same plane as the panel or cabinet surface.
- b. Structural members supporting the sign and support enclosures located below the sign face bearing no sign copy (except the address of the lot on which the sign is located) shall not be included in the sign face area calculation.

2. Sign Face: Wall Sign.

- a. The sign face of a wall sign shall be computed by measuring the area bound within a single rectangle enclosing:
 - i. letters, numbers, emblems, logos, trademarks, shapes, patterns, or other figures or elements together with the panel or cabinet surface upon which they are mounted; and
 - ii. trims or elements integral to and visible in the same plane as the panel or cabinet surface; and
 - iii. any material or color forming an integral part of the sign display or used to differentiate the sign from the background wall against which it is placed.
- b. The sign face of a wall sign comprised of individual letters, numbers, emblems, logos, trademarks, shapes, patterns, or other figures or elements mounted on a wall and having no background features distinguished from the normal wall surface may be measured as the area of one (1) rectangle or the sum of the areas of two (2) rectangles.

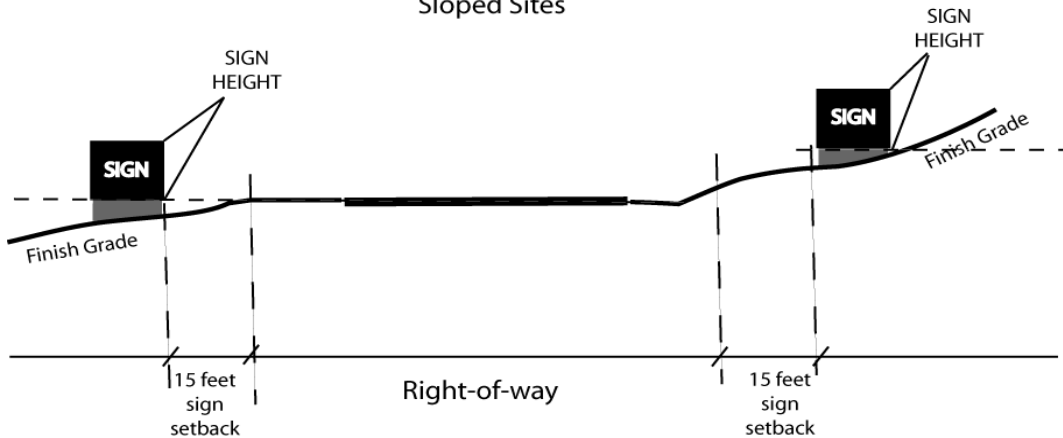
3. Sign Setbacks.

- a. The front setback shall be measured from the street right(s)-of-way.
- b. The side and rear setbacks shall be measured from the property lines.
- c. Measurements to the sign shall be to the closest part of the sign, including supporting structure and any projections thereof.

4. Sign Height

- a. The height of a sign shall be measured from the ground at the natural or finished grade of the site (excluding any additional mounding of soil or other material below the sign) to the highest point of the sign including any projection above the sign face, frame or structure.
- b. Height Measurement on Sloped Sites
 - i. The height of a sign located on a ground elevation that is lower than the abutting street surface may be measured from the ground level at the abutting street pavement edge.
 - ii. The height of a sign located on a ground elevation that is higher than the abutting street surface may be measured from the finish grade at the base of the sign.

Sign Height Measurement
on
Sloped Sites



5. **Sign Width.** The width of a sign shall be measured on a horizontal line in the same plane as the sign face which includes the furthest extent of all elements and projections of the sign face and sign structure. The total width of a freestanding sign shall not exceed the width of the sign face plus two (2) feet more on each side of the sign face.

C. **Additional Sign Standards**

1. **Meaning of "Lot" for purposes of Sign Regulations.** For the purposes of this Section regulating the permitted locations of signs, the term "lot" shall include in its meaning any development of land for commercial or industrial uses which is planned, designed, or operated to function as a unified complex such as a shopping center or other multi-tenant commercial, industrial, or office building or site. The existence of two or more lots within such a complex shall not establish a right for additional signage unless such lots were specifically platted in approval of the development.
2. **Permanent Signs, which include wall and free standing signs, shall comply with the following construction standards:**
 - a. Shall be permanently attached to a structure or to a foundation in the ground; and,
 - b. Shall be constructed, designed, operated and maintained in a manner suitable for continuous exposure to the elements without deterioration, usually for a period of years.
3. **Wall Signs.**
 - a. A wall sign shall be attached to the wall of a building in a plane parallel to the wall, shall not extend more than twelve (12) inches from the plane of the wall, and shall not extend above the wall.
 - b. A wall sign may be attached to a parapet which is constructed in a manner which appears to be an extension of the wall.
 - c. A wall sign shall not be attached to a sloped wall or mansard-like surface.
4. **Freestanding Signs**
 - a. No freestanding sign shall have more than two (2) sign faces. Faces shall be installed parallel to one another or at an angle not greater than ninety (90) degrees.
 - b. **Landscaping Required for Freestanding Signs.** The following landscaping elements, at a minimum, shall be installed and maintained at the base of every permanent freestanding sign:
 - i. A ground area adjacent to the base of the sign, equal to at least the sign area, shall be covered with mulch or groundcover plants (such as ivy, pachysandra, or the like).

- ii. At least one (1) deciduous shrub and one (1) evergreen shrub shall be installed, in the adjacent ground area, for each ten (10) square feet of sign area. Shrubs shall be selected which have a mature height of not less than two (2) feet.
- iii. The landscape materials required herein can count toward the overall site requirement for landscaping.
- c. Standards for Freestanding Sign Structures. Bases and other elements used to support a sign shall comply with the following:
 - i. Structures and materials used to screen or protect structural elements should be limited in dimension to that necessary to construct and maintain a safe and attractive sign. Structures used to support signs shall be comprised of either:
 - Two posts, with one mounted on each side of the sign face, or;
 - A base and/or screening which is at least one half as wide as the sign face.
 - ii. Except where specifically permitted, pole signs are prohibited
 - iii. Structures and materials used to screen or protect structural elements shall be white, grey, brown, tan, black, dark reds, or similar colors. Brighter colors such as orange, green, blue, yellow, and fluorescents are prohibited. The use of materials and colors consistent with those used in the principal building on the lot are encouraged.

D. Illumination

1. An illuminated sign or lighting device shall employ only a light of constant intensity. No sign shall be illuminated by or contain any lights which appear to be intermittent, flash, rotate or move.
2. An illuminated sign or lighting device shall not be placed or directed so as to direct the beams and illumination therefrom upon a public thoroughfare, highway, side wall, or adjacent premises so as to cause glare or reflection that may constitute a hazard or nuisance.
3. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code. Electrical wiring serving any sign shall be installed underground, on or within the structure to which the sign is attached.
4. Light sources used in or upon signs shall only be white or similar bulbs. Colored bulbs are prohibited, except for a permitted electronic message center sign.
5. External Lighting of Signs.
 - a. Lighting fixtures illuminating signs shall be located, aimed and shielded so that light is directed only onto the sign face.
 - b. Light fixtures shall be designed so that the light source is not directly visible from adjacent streets or properties.
 - c. Fixtures used to illuminate signs shall be either top-mounted or ground-mounted. Full cut-off fixtures are required.
6. Internal Lighting of Signs.
 - a. Internally lighted signs shall consist of light lettering or symbols on a dark or opaque background.
 - b. Halo illumination or back lit lettering is permitted.

E. Maintenance

1. Sign Maintenance. When any sign becomes unsafe, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Planning and Zoning Director, proceed at once to put such sign in a safe secure condition or remove the sign.
2. Signs in Public Rights-of-way. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control sign and directional signs. Whenever a sign is placed within

the right-of-way of any public highway, the Township shall provide written notice to the owner of the sign of the violation. The sign shall be removed within twenty four (24) hours after which the Township shall remove said sign and hold in storage for thirty days. The sign may be claimed and returned to the owner upon payment of any expenses incurred by the Township.

3. Sign Safety. When a sign, located on private property causes an obstruction of view, for safety purposes, after review by the safety forces, that sign shall be deemed to be in violation. The sign shall be removed immediately by the owner within twenty four (24) hours after written notice has been given, after which the township shall remove said sign and hold in storage for thirty days. The sign may be claimed and returned to the owner upon payment of any expenses incurred by the Township.

F. Nonconforming Signs

1. Every nonconforming sign shall be maintained in good condition and may continue until such sign is required to be removed as set forth in this Section.
2. A nonconforming sign shall not be structurally altered, relocated, or replaced unless brought into compliance with the provisions of this Section.
3. Termination. A sign shall be brought into conformance with the provisions of this Section or removed, when any of the following occur:
 - a. The area or shape of the sign face is changed;
 - b. The sign height, setback, or location is changed;
 - c. The sign structure, including foundation, supports, and/or sign cabinet, is altered; or
 - d. The sign is converted to an electronic message center sign; or
 - e. The property upon which the sign is located ceases to be used for a period of two (2) years or more.
4. The sign shall be removed if the sign face and/or its foundation support, or cabinet is damaged or deteriorates into an unsafe condition to the extent that repair cost exceeds fifty percent (50%) of the replacement cost of the sign. If the repair costs do not exceed fifty percent (50%) of the replacement cost of the sign, the sign may be repaired, subject to a sign permit and any applicable building permits.
5. Removal of a sign includes the removal of the face, supporting structure and structural trim.
6. A nonconforming sign may have its sign face replaced subject to design and illumination standards of Section 10.

10.04 AUTHORIZED SIGNS: SIGN PERMIT REQUIRED

The following signs shall be permitted in compliance with the provisions of this Section and subsequent to obtaining a sign permit.

A. Permanent Signs

1. Free Standing Sign in Residential Zoning Districts. One (1) freestanding sign is permitted for a non-dwelling use (*ie, church, school, public building*) permitted in the Residential District. The sign shall not exceed thirty (30) square feet in area and six (6) feet in height and shall be setback at least ten (10) feet from the right-of-way and at least thirty (30) from any property line. Illumination is permitted consistent with the standards set by this section.
2. Freestanding Sign in Non-Residential Zoning Districts. One freestanding permanent sign shall be permitted per lot conforming to the standards listed in the following table:

District	Lot Frontage (Ft.)	Minimum Front Setback (Ft.)	Minimum Side Setback (Ft.)	Maximum Sign Height (Ft.)	Maximum Sign Face Per Side (Sq. ft.)
CRDOI & CRD1					
Low Profile Signs	0 to 100	10	10	8	30
	101 to 150				60
	Over 150				90
CRD2					
Low Profile Signs	0 to 100	10	10	8	50
	101 to 150				100
	Over 150				140
C					
1 Business		10	10	15	50
2-6 Businesses				18	110
7-10 Businesses				20	150
I					
Low Profile Signs	0 to 100	10	10	8	30
	101 to 150				60
	Over 150				90
NOTE: For Low Profile Signs, lowest part of Sign Face must be installed not more than two (2) feet above grade.					

3. Wall Sign
 - a. One (1) or more wall signs are permitted for each space occupied by a business within a building. The total area of a wall sign or signs shall not exceed one-and-one-half (1.5) square feet per one (1) lineal foot of the front building wall enclosing space occupied by the business.
 - b. Additional wall signs on a building located on a corner lot are permitted. An area equal to twenty-five percent (25%) of the maximum sign area permitted on the front wall may be added to the total wall sign allocation for buildings on a corner lot.
 - c. The total area of permitted wall signage may be distributed on any building wall associated with that business.

4. Directional, Directory, and Menu Board Signs.
 - a. Directional Sign
 - i. One (1) permitted for each driveway access from a public street.
 - ii. One (1) additional directional sign is permitted for each intersection of driveways within a site to identify traffic routing, entrances, and services, such as drive-in lanes.
 - iii. No single directional sign shall exceed four (4) square feet.
 - iv. Directional sign shall have a maximum height of five (5) feet.
 - v. Directional sign shall be non-illuminated.
 - b. Directory Sign
 - i. One (1) permanent free standing sign is permitted per curb cut
 - ii. No single directory sign shall exceed sixteen (16) square feet.
 - iii. Directory sign shall have a maximum height of six (6) feet.
 - iv. Directory sign shall be non-illuminated.
 - c. Menu Board.
 - i. Two (2), single-sided menu boards shall be permitted per parcel

- ii. The menu board shall be accessory to a principal permitted use.
 - iii. The maximum sign area shall be thirty two (32) square feet.
 - iv. The maximum sign height shall be eight (8) feet.
 - v. Menu board shall be set back a minimum of fifteen (15) feet from the public right-of-way line and any lot lines.
 - vi. Menu board shall not be located in a front yard facing a public right-of-way.
 - vii. Menu board may be an electronic message center sign with images in addition to alphanumeric messaging provided the menu board complies with EMC message display, curfew, and brightness standards found in Section 10.04 (A)(8).
5. Subdivision Entry Sign. For the purposes of promoting public way finding and safety, one (1) subdivision entry sign may be located at or near a public or private road entrance to a platted subdivision. The sign shall not exceed thirty (30) square feet in area and six (6) feet in height and shall be setback at least ten (10) feet from the right-of-way. Illumination is permitted by means of external lamps mounted on the top of the sign or on the ground.
6. Outdoor Advertising Signs, also known as off-premises signs or billboards, shall be permitted in conformance with the following regulations:
- a. All outdoor advertising signs shall comply with the construction standards for a permanent sign and shall require a permit. Outdoor Advertising shall not be permitted as a temporary sign.
 - b. Outdoor advertising signs shall comply with the following:
 - An outdoor advertising sign, relating to a service or activity which is not located on the same lot as the sign, shall not exceed twelve (12) square feet in area, shall not exceed five (5) feet in height, and shall be set back as required for permanent signs in the district in which located. The lowest part of the sign face shall not be higher than two (2) feet above grade.
 - An outdoor advertising sign shall not be permitted on a lot where a permanent freestanding sign is already located, provided that an off-site message may be expressed on the existing freestanding sign. Only one (1) freestanding sign shall be permitted per lot.
7. Changeable Copy Signs Permitted. Any sign or portion of a sign may be constructed as a non-electronic changeable copy sign
8. Electronic message center (EMC) signs are permitted in all zoning districts provided they meet the following standards in addition to all other requirements established in Section 10 Signs:
- a. Permit required for any new EMC sign or for the conversion of a non EMC sign to an EMC sign.
 - b. Sign Type: Any sign containing an EMC shall be a low profile free standing sign or a wall sign.
 - c. Sign Design:
 - i. The EMC portion of a sign shall be set off from the edge of the sign by a 6-inch frame and such portion of the sign shall be fully integrated into the overall sign design.
 - ii. The background of the EMC shall be black/dark or opaque with contrasting lettering.
 - iii. The area of the sign dedicated to the EMC shall not exceed 60% of the maximum area of sign face.
 - d. Maximum Number per Property: One (1) EMC is permitted per property.
 - e. Nonconforming: The addition of any EMC to a nonconforming sign is prohibited.
 - f. Message Display:

- i. Any EMC display containing animation, streaming video, text, or images that flash, blink, pulsate, move, scroll, or otherwise emit intermittent light or make noise is prohibited.
- ii. Each message must fit on one screen and shall change at once.
- iii. The content of a display must transition by changing instantly within two (2) seconds, with no transition graphics (e.g. no fade-in or fade-out)
- iv. The sign shall contain a default design which shall freeze in one position or go black should a malfunction occur.
- g. Message Duration: EMC signs are permitted provided that the static display does not change more than once every eight (8) seconds.
- h. Curfew:
 - i. In a residential district the sign shall be turned off at 10:00 p.m. or at close of business, whichever is later, and remain off until one hour before sunrise.
 - ii. In a non-residential district the sign shall be turned off or remain static at 11:00 p.m. or one (1) hour after close of business, whichever is later, and remain off or static until one hour before sunrise.
- i. Brightness: Message center signs are subject to the following brightness limits:
 - i. During night hours, which commence no later than one hour after sunset, luminance levels shall not exceed 100 cd/m².
 - ii. At all other times, luminance shall be no greater than 3,000-cd/m².
 - iii. Each sign must have a light sensing device that is capable of automatically and gradually adjusting the display intensity to natural ambient light conditions.
 - iv. At the time of installation, each sign owner or operator shall certify to Howland Township that the sign complies with luminance standards.
- j. Public Service Announcements (PSA): The owner of an EMC sign is encouraged to coordinate with the local authority to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning natural disasters. The PSA shall remain in rotation in accordance with the instructions of the agency that issues the information.
- k. Signs that are interior to a site or sporting facility, regardless of zoning district, are not subject to the same restrictions as signs directed at vehicular traffic.
- l. Mobile or temporary EMC sign is not permitted.

B. Temporary Signs on Non Residential Lots

- 1. One (1) temporary sign is permitted per lot during the time when either a building or building addition is under construction or when a vacant interior space is under construction for an anticipated tenant. The sign face shall not exceed thirty-two (32) square feet in area. If no permanent freestanding sign is present on the lot, the temporary sign may be freestanding, with maximum height of eight (8) feet and set backs at least fifteen (15) feet from the public right-of-way and ten (10) feet from all other property lines. If a permanent freestanding sign is present on the lot, a temporary sign may exist provided that the temporary sign is a wall sign.
- 2. One (1) temporary sign during two (2) periods of time in one (1) calendar year, each period of time not exceeding thirty (30) days. One sign is permitted per lot and shall not exceed thirty two (32) square feet in area, and shall not exceed seven (7) feet in height and shall be setback fifteen (15) feet from the street right-of-way. These signs shall not have affixed an axle, wheels or tongue, and shall not have any lighting device.
- 3. One commercial banner is permitted for a period of sixty (60) consecutive days in a calendar year and shall not exceed sixty (60) square feet in area. Said banner shall advertise only products sold on the premises upon which the sign is located. The banner must be firmly affixed to the building.

10.05 AUTHORIZED SIGNS: SIGN PERMIT NOT REQUIRED

The following signs may be displayed in compliance with the provisions of this Section. No sign permit is required.

- A. Residential Districts
 - 1. Permanent Signs
 - a. Two (2) wall or freestanding signs, maximum two (2) square feet, maximum height of three (3) feet, for the purpose of identifying the property address and/or name only
 - 2. Temporary or Limited Duration Signs
 - a. Window signs, maximum six (6) square feet, bearing non-commercial speech.
 - b. Wall or freestanding signs, maximum six (6) square feet per side, maximum five (5) feet in height; minimum five (5) feet setback from all property lines, bearing non-commercial speech.
 - c. Limited Duration Signs. One (1) freestanding sign, maximum sign area of six (6) square feet per side, maximum two (2) sides, maximum five (5) feet in height, and shall be setback a minimum of five (5) feet from all property lines. The sign shall not be illuminated and must pertain to the parcel upon which it is located.
- B. CRD, Commercial and Industrial Districts
 - 1. Permanent Signs. *All permanent signs in commercial districts require permits.*
 - 2. Temporary Signs
 - a. One (1) wall or freestanding temporary sign, maximum six (6) square feet per side, maximum five (5) feet in height for purposes of noncommercial speech only
 - b. Sidewalk Signs. CRD and Commercial Districts only. One (1) freestanding temporary sign per business space, maximum six (6) square feet per side, maximum four (4) feet in height, must be located within ten (10) feet of the building and at least sixty (60) feet from any public right-of-way or property line.
 - c. Limited Duration Signs. One (1) freestanding sign per parcel, maximum sign area of sixteen (16) square feet per side, maximum two (2) sides, maximum six (6) feet in height, and shall be setback a minimum of five (5) feet from all property lines. The sign shall not be illuminated and must pertain to the parcel upon which it is located.
 - 3. Window Signs.
 - a. Each business may have window signs provided they do not cover more than twenty (20) percent of each window surface.
 - b. The window signs shall be so located as to allow clear visibility into the building for the purposes of fire and police protection.
 - c. Window signs that are permanent in nature shall be subject to the sign permit standards for permanent wall signs.
- C. Other Exemptions from Permitting Requirements
 - 1. Government or regulatory signs
 - 2. Historical markers or commemorative signs
 - 3. Signs inside a building which are not meant to be viewed from the outside
 - 4. Holiday and seasonal decorations
 - 5. Private drive signs. One (1) per driveway entrance not to exceed two (2) square feet in area.
 - 6. Security or warning signs
 - 7. Flags, except those displaying logos or commercial advertising.
 - 8. Murals

10.06 PROHIBITED SIGNS

The following sign types shall be prohibited.

- A. Roof-mounted Signs: No sign shall be placed on the roof of any building. No sign shall extend above any part of a roof except where mounted on a wall or vertical parapet located above a lower roof section such as a porch roof.
- B. Moving Devices:
 - 1. No sign shall include or employ any parts or elements which do or appear to revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention.
 - 2. Except as otherwise specifically permitted by this Resolution, no sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar devices installed in a manner which permits movement.
- C. Electronic Message Center Sign that is mobile or temporary.
- D. Inflatable Signs. No sign, sign supports or other elements shall be constructed or supported by inflation by air or other gases.
- E. Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying such signs. No sign shall be permitted to be displayed while mounted on wheels.
- F. Flags intended for advertising or commercial purposes.
- G. Pole signs
- H. Snipe or bandit signs
- I. Pennant strings and streamers
- J. Animated signs, flashing signs, or signs that scroll, flash text or graphics
- K. Any sign made to imitate, resemble, interfere with, or obstruct official traffic lights, signs, or signals.
- L. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to another. No sign shall be attached to a stand pipe, suppression system, or fire escape.
- M. Signs which emit smoke, visible vapors, particulate matter, sound, odor, or contain open flames.
- N. Reflective signs or signs containing mirrors, except that address signs may be reflective.
- O. Interactive signs
- P. Signs incorporating beacon or festoon lighting
- Q. Any sign promoting an illegal activity
- R. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of the Howland Township Zoning Resolution.
- S. Any sign that imitate, resemble, interfere with, or obstruct official traffic light, sign, or signal.
- T. Sign that exhibits statements, words, or pictures of obscene or pornographic subjects as determined by Howland Township.

SECTION 11: RESERVED

SECTION 12: RESERVED

SECTION 13: RESERVED

SECTION 14: RESERVED

SECTION 15: RESERVED

SECTION 16: REAR HOUSES

No rear house dwelling shall be erected in a R-1 District. No rear house dwelling shall be altered or used in a R-2, R-A-1, or R-A-2 unless the same shall have access to a public street, and if located in the rear of another building with no immediate street frontage, than there shall be provided a permanent easement for access over an unoccupied strip of land at least twenty (20) feet in width and such reserve strip of land may not form a part of any lot width or lot yard or lot area required by these Resolutions and, if more than one dwelling is located in the rear of another building with no immediate street frontage, than said easement of access shall be subject to the same requirements for frontage on the easement for access and other requirements for lot and yard as though said dwelling was located on a public street. Said easement shall be executed in accordance with the requirements provided by law for deeds and filed with the Recorder of this County. A copy of said easement certified by the Recorder of Trumbull County shall be filed with the Zoning Inspector before issuance of a Zoning Certificate.

No rear house shall be built any closer than twenty (20) feet from the front house or other buildings on the lot, and shall be subject to all other requirements of these Zoning Resolutions pertaining to dwellings.

SECTION 17: PARKING FACILITIES⁴³

17.01	Purpose
17.02	Compliance Required: Applicability
17.03	Parking Spaces Required
17.04	Parking Design Standards
17.05	Vehicular Access Standards
17.06	Pedestrian Access Standards
17.07	Off-Street Loading Areas
17.08	Joint Parking Areas
17.09	Parking Reserves
17.10	Commercial District Parking

17.01 PURPOSE

The purpose of this section is to promote the safety and welfare of the public by regulating the design of off-street parking and loading facilities to prevent or mitigate the impacts of vehicular congestion on public streets, to provide for adequate and safe pedestrian access, to encourage the coordination of facilities, to minimize the impacts of parking and loading facilities on adjacent properties, and to minimize the impacts of parking on the natural environment.

17.02 COMPLIANCE REQUIRED; APPLICABILITY

Accessory off-street parking facilities and access driveways shall be provided prior to occupancy of any building or use in compliance with the provisions of this Section 17: Parking Facilities whenever:

- A. A building is constructed.
- B. The use of an existing building or lot is changed to a use requiring more parking facilities.
- C. An existing building is altered in a manner which results in a greater requirement for parking facilities to comply with the provisions of this Section.

17.03 PARKING SPACES REQUIRED

- A. In all cases, the property owner and occupants shall be responsible for providing parking suitable to meet the parking demand generated by uses on the site in a manner which prevents undue parking impacts on adjacent properties and public rights-of-way.
- B. Parking spaces shall be provided as required for the uses listed in Table 17.03 or as otherwise authorized in this Section 17.
 1. For any business or service conducted on the same property in conjunction with a primary use, the foregoing schedule and other provisions of this Section shall be applicable to determine additional parking requirements.
 2. GFA = Gross Floor Area, meaning the total floor area of a building
 3. For a specific use or building, not scheduled in Table 17.03, the Zoning Administrator shall apply the unit measurement from Table 17.03 deemed most similar to the proposed use or building.
 4. Where a use is not deemed sufficiently similar to a listed use, then the applicant shall submit information sufficient to demonstrate the parking demand typical of the proposed use. Such information may be industry studies, documented parking demand of the same use in a similar location, or other.
- C. Surplus Parking⁴⁴ – The Zoning Administrator and Howland Township Engineer may approve an alternative parking plan that authorizes parking spaces in excess of the maximum number required in Table 17.03 in accordance with the following:
 1. The total number of parking spaces approved shall not exceed one hundred and fifty percent (150%) of the parking maximum.

⁴³ Section 17 Parking Facilities effective August 24, 2012.

⁴⁴ Section added October 23, 2015

2. All of the approved excess parking spaces plus aisle ways shall be subject to preferred best management practices (BMPs) in storm water management.
 3. Preferred best management practices (BMPs) address both water quality and volume reduction and include pervious pavement and bio-retention cells or similar BMPs.
 4. These requirements are in addition to minimum storm water requirements of the State of Ohio, Trumbull County, and Howland Township.
 5. Howland Township may authorize on a case by case basis the use of BMPs outside the parking area, but still part of the current development site, provided that:
 - a. The applicant clearly demonstrates that the preferred BMP's are not feasible within the parking area;
 - b. The alternative BMPs are accepted by Howland Township and the Trumbull County Soil & Water Conservation District; and
 - c. An area equal to one and one-half times the area of the approved excess parking spaces plus aisle ways shall be treated by accepted BMPs.
- D. In all districts, minimum requirements of off-street parking applicable to any use or building shall continue unchanged in operation and shall not be reduced below the required size as long as the main use remains, unless an equivalent number of parking spaces is provided for said use in another approved location.

**Table 17.03
PARKING SPACES REQUIRED**

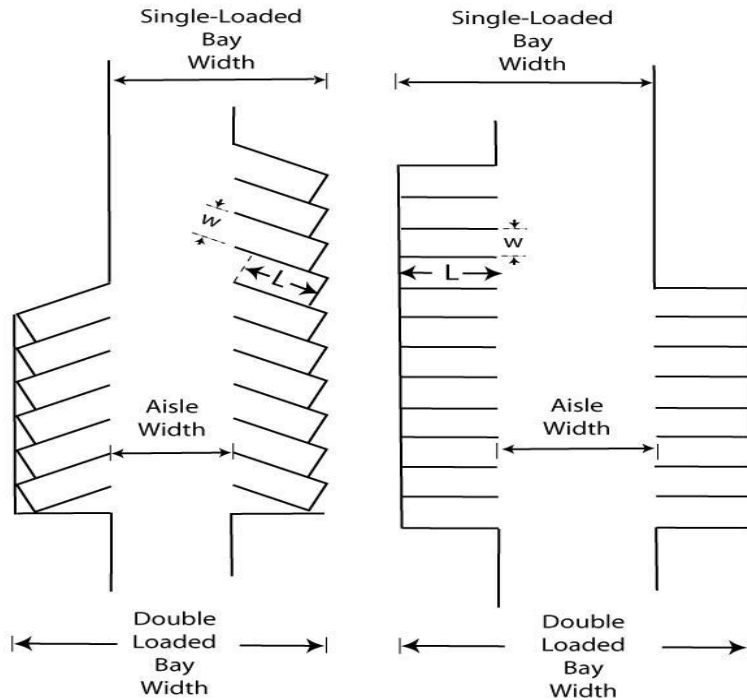
Uses	Parking Spaces Required	
	Minimum Spaces	Maximum Spaces
Single-family or two-family dwelling	Two (2) spaces per dwelling unit.	NA
Multi-family dwellings	<p>One (1) parking space for each unit with one bedroom, and for each efficiency living unit.</p> <p>One and one-half (1-1/2) parking spaces for each living unit having more than one bedroom. At least one of the 1.5 spaces shall be enclosed in a garage.</p> <p>One (1) parking space shall be provided for each four (4) living units of all sizes for visitor parking.</p>	NA
Free Standing Retail	1 spaces per 1000 GFA	3 spaces per 1000 GFA
Large Scale Retail	2 spaces per 1000 GFA	4 spaces per 1000 GFA
Shopping Center	3 spaces per 1000 GFA	4 spaces per 1000 GFA
Personal Services	2 spaces per 1000 GFA	3 spaces per 1000 GFA
Bank	2 spaces per 1000 GFA	4 spaces per 1000 GFA
General Office Building	2 spaces per 1000 GFA	4 spaces per 1000 GFA
Medical Office Buildings	2 spaces per 1000 GFA	8 spaces per 1000 GFA
Restaurant including Drive-up or Drive-thru	6 spaces per 1000 GFA	10 spaces per 1000 GFA
Places of Assembly, including Social Clubs, Fraternal Clubs, Places of Worship, Theaters, Auditoriums, Stadiums, and similar uses	<p>1 space per 5 seats in the portion of the building used for assembly</p> <p>For Places of Assembly, the above minimum and maximum standards shall be general guidelines only. The applicant shall comply with the above standards or submit information which demonstrates the parking demand typical of the proposed use. Such information may be industry studies, documented parking demand of the</p>	1 space per 3 seats in the portion of the building used for assembly

	same use in a similar location, or other.	
Industrial Plant	1 spaces per 1000 GFA	2 spaces per 1000 GFA

17.04 PARKING DESIGN STANDARDS

- A. Location
All R-A-1, R-A-2, CRD-OI, CRD1, CRD2, and C District uses shall provide off-street parking facilities outside the public right-of-way and not more than three hundred (300) feet distance from the entrance to said establishment.
- B. Parking Space and Aisle Dimensions
All parking spaces and aisles shall have the minimum dimensions shown in the table on the next page except for the following:
 - 1. Up to twenty-five percent (25%) of the total spaces may be constructed and marked as compact car spaces with a minimum width of eight (8) feet and a minimum length of seventeen (17) feet. To the extent possible, compact cars shall be located in groups.
 - 2. Parking spaces which are not necessary for customers or visitors to the site and which are reserved for employee parking may be constructed with compact car space dimensions.
 - 3. Additional spaces with dimensions and pavement suitable for motorcycle parking are encouraged.
 - 4. One or more bicycle posts or racks that can accommodate at least four bicycles at one time shall be installed within 50 feet of the main entrance of the building.

PARKING SPACE & AISLE DIMENSIONS



Parking Angle (Degrees)	W Minimum Parking Space Width (Feet)	L Minimum Parking Space Length (Feet)	Minimum Aisle Width (Feet)	Single Loaded Bay Width (Feet)	Double Loaded Bay Width (Feet)
0	9.0	21.0	18.0 22.0 *	26.5 30.5 *	29.0 39.0*
45	9.0	18.0	18.0	31.25	48.5
60	9.0	18.0	18.0	32.25	51.25
90	9.0	18.0	22.0 *	40.0 *	58.0*

* Two-way traffic permitted

C. Parking Lot Landscaping.

1. Large, unbroken parking areas shall be avoided. Whenever a parking lot contains thirty (30) or more spaces, at least five percent (5%) of the parking lot area (the area measured within a boundary containing all parking spaces) shall be landscaped islands and/or peninsulas.
2. Landscape islands and peninsulas within a parking lot shall be at least 10 feet in width, including curbs. Except for aisles, pavement surfaces shall not exceed 100 feet in width or length and shall be segmented by landscaped yards, islands, or peninsulas. Adjacent bays of parking shall be separated by a landscape strip at least ten (10) feet wide.
3. An alternative configuration to the landscape requirement in subsection C(2) above may be approved by the Zoning Administrator provided that the sum of the landscape areas required are distributed through the parking lot in a manner consistent with the intent of this section.
4. Installation of plant material is encouraged in locations which will screen parking areas from view from the public right-of-way.

5. Landscape areas and parking lot islands are strongly encouraged to be designed to intercept and treat pavement storm water through vegetated features such as bio-retention, vegetated swales, enhanced swales, dry swales, bio-swales or other storm water management best practices. Where necessary to permit the installation and operation of such features, the Zoning Administrator is authorized to waive or approve alternatives to the requirements of subsections C(1) through C(4) above.
6. Parking Lot Vegetation Requirements. The minimum requirements for parking lot vegetation are two (2) ornamental or shade trees, and six (6) shrubs having a mature height of not less than two (2) feet, for every ten (10) parking spaces.

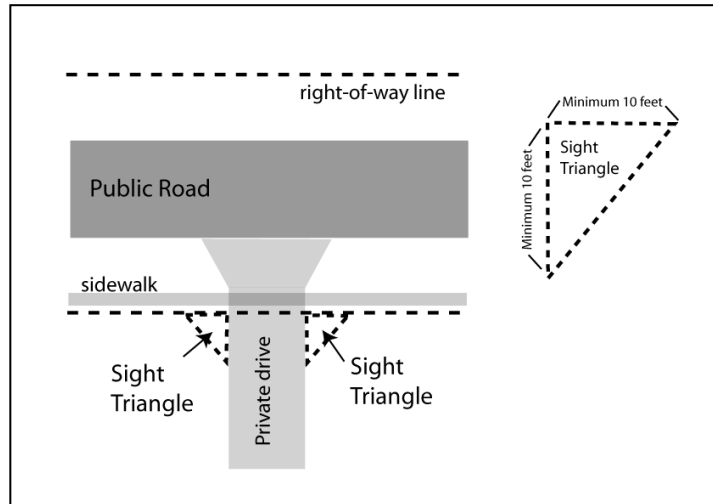
D. Electric Vehicle Charging Stations (EVCSs) in Parking Lots.

1. Office or Industrial Use. In a parking lot accessory to an office or industrial use, EVCSs may be installed and operated for use by persons employed on those sites, with or without a fee.
2. Shopping Center, other retail or service use. In a parking lot accessory to a retail or service use, EVCSs may be installed and operated for use by persons employed on those sites, with or without a fee. Charging stations may be installed for use by customers of the uses on the site, with or without fee, provided that they are capable of charging no more than four (4) vehicles at one time.
3. Charging stations shall be located only where parking spaces are already permitted by this Zoning Resolution.

17.05 VEHICULAR ACCESS STANDARDS

A. Access ways to Parking Area: The location and width of entrance and exit driveways to parking areas shall be planned as to not interfere with the use of adjoining or nearby property and with pedestrian and vehicular traffic on adjacent streets.

B. Clear Sight Triangles: Sight triangles at points of ingress and egress shall be free of plantings, signs or other objects that will obstruct traffic views. Minimum dimensions of sight triangles shall be as illustrated at right. Clear visibility for drivers shall be maintained in the area between the heights of 3.5 to 8.0 feet above the centerline of grades of the intersecting road surface.



17.06 PEDESTRIAN ACCESS STANDARDS

A. Sidewalks and walkways shall be provided and maintained in the following locations:

1. Connecting on-site parking to on-site buildings
2. Connecting the building's main entrances to the public right-of-way
3. Connecting site-to-site for inter-site pedestrian movement shall be encouraged
4. Along a public street in accordance with this Section.

B. Sidewalks along a public street ⁴⁵

1. Any use or building subject to the provisions of this Section and located within the priority pedestrian corridors shall be required to install a sidewalk along all public streets for the full length of street frontage.
2. Priority pedestrian corridors include:
 - a. Niles-Cortland Road SE between East Market Street and the Township boundary.
 - b. Niles-Cortland Road NE between East Market Street and the Township boundary.

⁴⁵ Section added October 23, 2015

- c. North River Road between Niles-Cortland Road NE and State Route 82 (bypass).
- d. East Market Street between North Road and the Township boundary
- 3. All sidewalks shall meet the pedestrian facility design guidelines and pavement specifications of the Ohio Department of Transportation.
- 4. All sidewalks shall be a minimum of 5-feet in width.
- 5. There shall be a grass buffer separating the sidewalk from the edge of roadway of at least 6 feet in width or the maximum width possible given the available right-of-way.
- C. Walkway Connections to Public Sidewalks
 - 1. Where a sidewalk exists in a public right-of-way adjacent to the site, or is required to be constructed as part of the development approval, a pedestrian connection shall be constructed from the building to the sidewalk.
 - 2. The pedestrian connection shall be constructed of asphalt, concrete, or of hard surface pavers.
 - 3. The pedestrian connection shall have a minimum width of 5 feet.

17.07 OFF-STREET LOADING AREAS

- A. Loading and unloading off-street facilities and standing space shall be provided for all business and commercial enterprises hereafter erected or altered for such use. The entire area of such facility shall be located to the rear of the set-back building line scheme that is applicable or has been established for the street or road on which the facility is located. Said facility shall be of such size to accommodate any truck or vehicle of a size generally serving said business or enterprise. Where loading facilities are located in proximity to a residential use or residential zoning district, fencing and landscaping shall be installed to mitigate appearance and noise impacts.
- B. At least one (1) off-street loading and unloading facility shall be provided for each use or building devoted to any business or commercial enterprise having a building floor space or use space of fifteen thousand (15,000) to twenty-five thousand (25,000) square feet. One (1) additional facility shall be added for each additional twenty thousand (20,000) square feet of building floor space or use space or fraction thereof; said off-street loading and unloading facilities shall be maintained as long as the building or use is maintained.

17.08 JOINT PARKING AREAS

- A. Parking spaces which are designated to comply with the requirements for one building or use shall not be counted as fulfilling the parking requirement for another building or use except as permitted in this section or where a parking standard is clearly intended to apply to multiple uses of structures on a single site, such as multiple family dwellings and shopping centers.
- B. The Zoning Administrator may approve the joint use of a reduced number of parking spaces by two or more buildings or uses when the applicant demonstrates to the satisfaction of the Zoning Administrator and the Township Engineer the following:
 - 1. On-site Joint Parking. That the parking demand for two or more uses on a single lot can be satisfied by fewer spaces than required (the sum of the spaces required for the uses if computed separately) due to varying parking demand; or
 - 2. Off-site Joint Parking. That the spaces required for a use can be provided on an adjacent or nearby lot which complies with all other provisions of this Resolution. Binding agreements shall be made between the owners of the use and/or building and the owners of the parking, to ensure the perpetual joint use and maintenance of the shared parking areas, even upon transfer of ownership. The binding agreement shall specify the parking spaces that shall be shared.

17.09 PARKING RESERVES

- A. The Zoning Administrator may authorize construction of fewer parking spaces than required by Table 17.03 if anticipated parking demand for the proposed building or use is substantially less than required.
- B. Justification for a lesser anticipated parking demand shall be submitted by the applicant. The justification may be based on information demonstrating the parking demand typical of the proposed use. Such information may be industry studies, documented parking demand of the same use in a similar location, or other.

- C. An area shall be reserved on the lot which is sufficient for the future construction of ~~the~~ reserve spaces, aisles, and other improvements required to provide conforming parking. This area shall be landscaped.

17.10 COMMERCIAL DISTRICT PARKING (applicable to C, CRD-OI, CRD1, CRD2)

- A. Vehicles owned, operated, or otherwise controlled by a business on a lot shall not be parked in the front setback area.
- B. Except where specifically authorized for such use, parking lots shall not be used for the display of vehicles for sale and shall not be used for automobile service or repair.

SECTION 18: RESERVE

SECTION 19: MINERAL EXTRACTION (REMOVAL OF TOP SOIL, ETC.)

- A. This subsection applies only to the stripping, removal, excavation, and/or hauling of top soil, gravel, clay, sand and sub-surface minerals other than oil or natural gas.
- B. No person, corporation, partnership or other legal entity shall commence any of the activities described in Paragraph "A" above, unless a Conditional Zoning Certificate is obtained through a Public Hearing before the Howland Township Board of Zoning Appeals.
- C. This subsection is applicable to all districts set forth in Section 2: Districts and Section 4: Agricultural, of these Resolutions.
- D. This subsection does not apply to an excavation necessary for construction of a swimming pool, driveway, walkway, wall, building, or part thereof, or accessory thereto, or to the removal of top soil from one part of the lands of an owner to another part of the same premises as a landscaping or agricultural activity.
- E. This subsection is applicable to the excavation and construction of lakes or ponds in all districts set forth in Section 2: Districts and Section 4: Agricultural of these Resolutions. However, in "Agricultural" areas, when a lake or pond is to be excavated or constructed in conjunction with an agricultural or conservation use, this subsection applies only if the lake or pond is in excess of one acre in area.
- F. The following information, plans, documents, etc., shall be provided to the Howland Township Zoning Inspector with the application for a Conditional Zoning Certificate:
 - 1. The application, in addition to any other pertinent information required by the Zoning Inspector, shall contain the name and address of the owner; the legal capacity of the person filing the application; the names and addresses of all contractors or subcontractors who will be involved in the project, the name and address, of the applicant's architect, surveyor or engineer; and a legal description of the exact area where such activity is proposed and a legal description of the entire premises.
 - 2. A plan prepared by a duly licensed engineer or land surveyor setting forth a three-dimensional configuration of the proposed stripping or excavation, the exact condition of the area before work is commenced, the proposed condition of the area after completion of the work, and the effect of the work on the drainage plan of the area.
 - 3. A written proposal as to the method of stripping and removal to be employed, the time when the work is to commence and within which it is to be completed, the type of re-seeding or re-planting of the area, the existing depth of the topsoil on the area, the amount of topsoil to be left in the area (if any), the ultimate proposed use of the land and the route to be used during hauling operations.
- G. The Zoning Inspector shall be given a reasonable opportunity to investigate the information provided in and with the application before referring the application to the Board of Zoning Appeals for a Public Hearing.
- H. If, after a Public Hearing, the Board of Zoning Appeals decides to grant the applicant a "Conditional Zoning Certificate", it shall be granted upon such terms and/or conditions as the Board shall deem necessary for protection of the public health, safety and welfare of the Community; and such terms and/or conditions shall be made part of the Certificate and constitute limitations thereon. The Board, in its discretion, may condition the issuance of a Certificate upon the applicant posting a performance bond satisfactory to the Board in an amount determined by the Board.
- I. A Conditional Zoning Certificate granted pursuant to this subsection shall be limited to the area specifically described in Paragraph F-2 above, and shall not be extended laterally even on the same premises without obtaining approval for such extension by an additional application and another hearing before the Board of Zoning Appeals.

- J. A violation of the terms and/or conditions of a Conditional Zoning Certificate may result in the revocation of such certificate under the provisions of OHIO REVISED CODE 519.14.

SECTION 20: ADMINISTRATION⁴⁶

- 20.01 Board of Zoning Appeals**
- 20.02 Variances, Administrative Appeals, and Conditional Use Certificates**
 - A. Variances**
 - B. Administrative Appeals**
 - C. Conditional Use Certificates**
 - D. Applications and Procedures**
- 20.03 Zoning Commission**
- 20.04 Zoning Amendments**
- 20.05 Zoning Administrators**
- 20.06 Permits and Certificates**
- 20.07 Fees**
- 20.08 Enforcement**

20.01 BOARD OF ZONING APPEALS

- A. Board Created. A Board of Zoning Appeals is hereby created as provided in Section 519.13 of the Ohio Revised Code and shall have all the powers and duties prescribed by law and by this Resolution.
- B. Membership.
 - 1. The Board of Zoning Appeals shall consist of five (5) members who are residents of the unincorporated area of Howland Township, as appointed by the Board of Trustees. Each member shall be appointed for a period of five (5) years. No member shall be appointed for more than two (2) consecutive terms. Terms shall be arranged so that the term of one (1) member shall expire each year.
 - 2. The Board of Trustees may appoint up to two (2) alternate members to the Board of Zoning Appeals for terms determined by the Board of Trustees.
 - 3. Each member shall serve until the member's successor is qualified and appointed.
 - 4. Vacancies shall be filled by appointment by the Board of Township Trustees and shall be for the unexpired term.
 - 5. A member may be removed as provided by applicable law.
 - 6. Members may be allowed expenses and compensation as determined by the Township Trustees.
- C. Organization.
 - 1. The Board shall prescribe rules and regulations for the conduct of its affairs not in conflict with this Resolution.
 - 2. At its first public meeting of each year, the Board shall elect a Chairperson and a Vice Chairperson from its membership. The Vice Chairperson shall conduct any meeting when the Chairperson is absent.
- D. Meetings and Quorum.
 - 1. The Board shall meet at the call of its Chairperson or on a schedule determined by the Board.
 - 2. All meetings of the Board shall be open to the public and shall be held at the Howland Township Administration Building unless otherwise specified.
 - 3. The Board may, upon motion and approval by a majority of members present in a roll call vote, meet in executive session for purposes permitted by law, but orders, actions, decisions and authorizations shall only be made in public. Executive session shall only be held at the time of a regular or special meeting and only for consideration of a matter set forth in the published agenda for that meeting. The particular purpose of the executive session shall be stated with the authorizing motion.
 - 4. An alternate member shall take the place of an absent regular member at any meeting and may vote on any matter on which the absent voting member is authorized to vote. When two alternate

⁴⁶ Section Added January 11, 2014

members are present, the alternate who has served for the longest continuous period shall be the first seated in place of an absent member. Both alternates shall be seated if two or more members are absent.

5. Three (3) members of the Board shall constitute a quorum at any meeting.
 6. A concurring vote of three (3) members present shall be necessary to affect an order, take action, make decisions, or act on any authorization. The Board should advise the applicant of the requirement for three (3) concurring votes.
- E. Witnesses. The Chairperson or Acting Chairperson shall administer oaths or affirmations to all persons presenting evidence or giving testimony during the hearing. The Board may compel the attendance of witnesses in all matters coming within the purview of the Board.
- F. Record of Proceedings. 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 the 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.
- A. Powers and Duties. The Board of Zoning Appeals shall have the following powers and duties:
1. Administrative Appeals. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Ohio Revised Code Sections 519.02 to 519.25 or of any resolution adopted pursuant thereto;
 2. Variances. Authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Zoning Resolution would result in an unnecessary hardship or practical difficulties and so that the spirit of the resolution shall be observed and substantial justice done;
 3. Conditional Zoning Certificates. Grant Conditional Zoning Certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the Zoning Resolution. If the board considers conditional zoning certificates for activities that are permitted and regulated under Chapter 1514 of the Revised Code or activities that are related to making finished aggregate products, the board shall proceed in accordance with section 519.141 of the Revised Code.
 4. The Board shall have other duties consistent with applicable law.

20.02 VARIANCES, ADMINISTRATIVE APPEALS, AND CONDITIONAL USE CERTIFICATES

- A. Variances
1. The Board shall have the power to authorize, upon appeal in specific cases, a variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Resolution will result in practical difficulty or unnecessary hardship, depending on whether the request is for an area variance, where the practical difficulty standard as provided herein shall be utilized in evaluating the request, or a use variance, where an unnecessary hardship standard as provided herein shall be utilized in evaluating the request, and so that the spirit of this Resolution shall be observed and substantial justice done.
 2. Findings Required. A variance shall not be granted or denied unless the Board makes specific conclusions of fact based on the evidence presented to it.
 3. Area Variance Standards. Where the appeal requests an area variance, that is, a variance involving

provisions relating to yard dimensions, setback, height, or similar spatial or dimensional requirements, then the following standards shall be considered and weighed in determining whether the grant of a variance is warranted to afford relief of practical difficulties:

- a. Whether the property in question will yield a reasonable return and whether there can be any beneficial use of the property without the variance.
- b. Whether the variance is substantial.
- c. Whether the essential character of the neighborhood will be substantially altered and whether adjoining properties will suffer interference with their proper future development and rights as a result of the variance.
- d. Whether the variance will adversely affect the delivery of governmental services.
- e. Whether the property owner purchased the property with knowledge of the zoning restriction.
- f. Whether the property owner's predicament can be obviated through some method other than a variance.
- g. Whether the spirit and intent of this Resolution will be observed and substantial justice done by granting the variance.
- h. Whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity and within the same district.
- i. Such other criteria which the Board believes relates to determining whether the zoning regulation is equitable in its application to the specific property.

4. Use Variance Standards. Where an appeal requests a use variance, that is, a variance for the approval of a use which is not permitted in the zoning district in which the subject property is located, then the following standards shall be considered and weighed in determining whether the granting of a variance is warranted to afford relief of an unnecessary hardship:

- a. The Board shall determine if the use requested is a use which is specifically permitted in one or more zoning districts of the Township. If so, the Board may proceed to determine if the requested use should be permitted by use variance on the subject site. The Board shall not permit by variance a use which is not specifically permitted in a zoning district of the Township.
- b. The Board shall determine if there is an unnecessary hardship imposed upon the property owner by the application of the provisions of this Resolution to the subject property.
- c. The Board shall determine whether the property in question has unique or exceptional circumstances or conditions that do not generally apply to other properties in the vicinity or within the same district and, if such circumstances or conditions exist, whether and how they prevent use of the property in compliance with the applicable provisions of this Resolution. The Board may require the applicant to submit a report prepared by a qualified appraiser addressing these questions and the questions of whether any of the uses permitted in the district may be established on the property in a manner which is economically feasible without the variance and whether the land in question can yield a reasonable return if used only for a purpose allowed in the zoning district.
- d. The Board shall determine whether the hardship condition was created by actions of the applicant, or of any other party having interest in the property, which may include but are not limited to such actions as making physical changes to the property, subdividing or assembling the property, entering into contracts or agreements affecting or restricting use of the property, taking action on abutting or nearby properties within the applicant's control, or otherwise taking action affecting the subject property in a manner which created the hardship.

- e. The Board shall determine whether the subject property is adequate to meet the physical and economic needs and requirements of the proposed use.
- f. The Board shall determine if the requested use variance is the minimum variance which will afford relief to the property owner, including whether an area variance would permit use of the property in compliance with the provisions of this Resolution.
- g. The Board shall determine what impacts the proposed use may have upon the properties and neighborhood surrounding the subject property, whether the essential character of the neighborhood will be substantially altered, and whether the adjoining properties will suffer interference with their proper future development and rights as a result of the variance. The Board may consider any features of a proposed development plan for the subject property which may mitigate negative impacts, effects on neighborhood character, and interference with future development and rights of adjoining properties.
- h. The Board shall consider whether the circumstances of the subject property are such that the hardship may be more appropriately addressed by application for a change in the zoning district or in the regulations applicable to the subject property.
- i. The Board shall determine whether the spirit and intent of the Zoning Resolution will be observed and substantial justice done by granting the variance.

5. Variance Conditions and Safeguards. In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards which are reasonably related to the requested variance in conformity with this Resolution and in furtherance of the purposes and intent of this Resolution. Violations of conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Resolution.

6. Time Limitation. A variance shall be void one (1) year after the date granted by the Board unless a Zoning Certificate has been issued and the construction or alteration of affected structure(s) has commenced.

B. Administrative Appeals

- 1. Appeals may be taken to the Board from the decision of any administrative officer in the enforcement of this Resolution by any person aggrieved or by any officer of the Township affected by any decision of the administrative officer. The appeal shall be taken within twenty (20) days after the decision by filing, with the officer from whom the appeal is taken and with the Board of Zoning Appeals, a notice of appeal specifying the grounds of the appeal.
- 2. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- 3. Conditions and Safeguards. In taking action on any administrative appeal, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards, including time limitations, which are reasonably related to the appeal in conformity with this Resolution, as it may deem necessary to protect the public health, safety, and morals, and in furtherance of the purposes and intent of this Resolution. Violations of conditions and safeguards, when made a part of the terms under which the appeal is granted, shall be deemed a violation of this Resolution.

C. Conditional Use Certificates

- 1. Application may be made to the Board for a conditional zoning certificate for any use listed in this Resolution as a conditional use in a specific zoning district. Applications and procedures shall be as set forth in this Resolution and as set forth in any adopted Rules and Regulations of the Board.

2. In considering whether to approve or deny an application for a conditional zoning certificate, the Board shall determine if the proposed use complies with applicable general and specific standards for conditional uses set forth in this Resolution.
3. The Board of Zoning Appeals may, if it deems that a proposed use may cause dangerous or otherwise objectionable impacts, require that the applicant provide substantial evidence regarding the nature and extent of such impacts and of any measures which may be taken to mitigate or eliminate such impacts if the use is approved.
4. **Conditions and Safeguards.** In taking action on application for a conditional zoning certificate, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards which are reasonably related to the proposed use in conformity with this Resolution, as it may deem necessary to protect the public health, safety, and morals, and in furtherance of the purposes and intent of this Resolution. Violations of conditions and safeguards, when made a part of the terms under which a conditional zoning certificate is granted, shall be deemed a violation of this Resolution.
5. **Time Limitation.** A conditional zoning certificate shall be void one (1) year after the date granted by the Board unless a Zoning Certificate has been issued and the construction or alteration of affected structure(s) has commenced.
6. **General Standards for Conditional Uses.** The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that the proposed use in the proposed location:
 - a. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area.
 - b. Will not be hazardous or disturbing to existing or future neighborhood uses.
 - c. Will not be detrimental to property in the immediate vicinity or to the community as a whole.
 - d. Will be serviced adequately by essential public facilities and services such as highways, roads, police and fire protection, drainage structures, and refuse disposal; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
 - e. Will be in compliance with State, County and Township regulations, including applicable health, building, and electrical codes and subdivision regulations.
 - f. Will, with regard to traffic impacts and vehicular facilities, comply with the following:
 - i. Vehicular approaches to the property shall be designed and constructed in a manner which prevents undue interference with traffic on surrounding public roads.
 - ii. Traffic generated by the proposed use shall not differ in nature or volume from traffic generated by other uses permitted in the district or which cannot be reasonably served by the existing public roads. Where the proposed use generates traffic which differs in nature or volume from other uses permitted in the district, or where conditions of access to the lot on which the use is proposed create undue interference with traffic or an undue hazard, or where other characteristics of the traffic generated or the access conditions necessitate, the

applicant shall provide for the improvements necessary to mitigate the traffic impacts.

iii. The use and site shall be in compliance with any provision of this Resolution which establishes minimum requirements for vehicular access for a specific conditional use, except when the Board of Zoning Appeals determines, on the basis of recommendations by a qualified traffic engineer, that other vehicular access arrangements are more appropriate to ensure public health and safety and the functioning of roads affected by the proposed use.

g. Will not employ loud speakers which cause a hazard or annoyance.

h. Will not employ lighting which constitutes a nuisance or impairs safe movement of traffic on any road or highway or shines directly on adjacent properties.

7. Standards for Specific Conditional Uses. This Resolution provides for conditionally permitted uses which may be approved by the Board of Zoning Appeals in specified zoning districts. In considering whether to approve applications for those uses, the Board shall apply any specific standards set forth for those uses as well as the General Standards set forth in subsection 20.02(C)(6) above.

D. Applications and Procedures

1. Complete Applications

a. Complete Application for Variance

i. The application must be notarized.

ii. List of the owners of all property located within one hundred fifty (150) feet of the subject property

iii. Legal description of the subject property

iv. Site plan and/or sufficient drawings to clearly delineate the proposal

v. Where the Planning & Zoning Director considers it necessary, the drawings submitted shall include floor plans, architectural elevations, and landscaping.

vi. Fees shall be paid to the Township at the time of submittal of variance applications pursuant to the fee schedule adopted by the Trustees.

b. Complete Application for Appeal. The applicant/appellant shall supply such information, documentation, drawings, photographs, and other evidentiary material as the appellant shall desire to rebut any order, requirement, decision or determination made by the Planning & Zoning Director or designee in the enforcement of the Zoning Resolution, and to provide the Board with grounds to reverse or modify the order under appeal.

c. Complete Application for Conditional Zoning Certificate

i. The application must be notarized.

ii. List of the owners of all property located within one hundred fifty (150) feet of the subject property

iii. Legal description of the subject property

iv. A complete description of the uses proposed, including hours of operation, and locations of uses upon the site

v. Site plan and/or sufficient drawings to clearly delineate the proposal

vi. When the Planning & Zoning Director considers it necessary, the drawings submitted shall include floor plans, architectural elevations, and landscaping.

- vii. Fees shall be paid to the Township at the time of submittal of Conditional Zoning Certificate applications pursuant to the fee schedule adopted by the Trustees.

2. Procedures

a. Application Submittal.

- i. Copies of complete applications for variances, administrative appeals, and conditional zoning certificates shall be submitted to the Planning & Zoning Department on forms provided by the Department, together with copies of any required supplemental information required by this Resolution and as set forth in any adopted Rules and Regulations of the Board.
- ii. Complete applications for variances, administrative appeals, and conditional zoning certificates shall be submitted not less than twenty (20) days prior to the next regular scheduled meeting of the Board in order to be considered by the Board at that meeting and to permit timely notice and review.
- iii. The Planning and Zoning Department shall establish a written policy setting forth those types of applications which must be submitted in hard copy and those which may be submitted electronically.

- b. Transmittal to Board, Public Hearing Scheduled. The Planning and Zoning Department shall transmit complete applications to the Board and shall determine the date for public hearing according to the meeting schedule set by the Board, issuing notice to the Board, written notice to the applicant, and public notice as provided below.

c. Public Notice

- i. Mail Notice. Written notice to the applicant and owners of all property located within one hundred fifty (150) feet of the subject property shall be mailed by regular mail at least ten (10) days before the public hearing.
- ii. Newspaper Notice. The Planning and Zoning Director shall publish notice in a newspaper of general circulation in the Township at least ten (10) days prior to the date of the hearing. The notice shall indicate the place, time, and subject of the hearing.

d. Hearing and Board Action.

- i. The Board of Zoning Appeals shall hold a public hearing within sixty (60) days after the receipt of a complete application for a variance, appeal, or conditional zoning certificate.
- ii. The Board of Zoning Appeals shall act in accordance with the procedures specified by law, including this Resolution.
- iii. Every decision of the Board shall be by motion.
- iv. The Board shall take action not later than sixty (60) days after the date of the meeting at which a variance, appeal, or conditional use certificate is first considered by the Board, unless a longer time for consideration is agreed by the Board and the applicant.
- v. An order of the Board shall be effective immediately upon conclusion of the Board vote.

- e. Applicant Request to Table or Withdraw Application; Re-Application.
 - i. An application shall be tabled upon written request of the applicant submitted not less than ten (10) days before the date of the meeting at which the application is scheduled to be heard. Any other requests to table an application shall be made in person before the Board.
 - ii. An applicant may withdraw an application at any time by submission of a letter or by verbal request before the Board. If a written request to withdraw the application is received by the Township Planning and Zoning Department before the Township incurs the cost of public notice, 100% of fees shall be refunded. A subsequent new hearing on the matter will constitute a new application
 - iii. No appeal or application which has been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year or more from the date of denial, except on grounds of newly discovered evidence or proof of changed conditions sufficient to justify reconsideration as determined by the Board. Re-application one year or more after the date of original application shall be accompanied by the required fee.

- f. Amendment of Conditional Use Certificate. After the issuance of a conditional use certificate, no use which is not authorized by the certificate, or otherwise authorized by this Resolution, shall be established on the property which is subject to the certificate unless authorized by the Board.

20.03 ZONING COMMISSION

- A. Zoning Commission Created. A Zoning Commission is hereby created as provided in Section 519.04 of the Ohio Revised Code and shall have all the powers and duties prescribed by law and by this Resolution.

- B. Membership.
 - 1. The Commission shall be composed of five (5) members who reside in the unincorporated area of the township appointed by the Board of Trustees.
 - 2. Each member shall be appointed for a period of five (5) years. No member shall be appointed for more than two (2) consecutive terms. The terms of the members shall be of such length and so arranged that the term of one member will expire each year.
 - 3. Each member shall serve until the member's successor is qualified and appointed.
 - 4. Vacancies shall be filled by the Board of Trustees and shall be for the unexpired term.
 - 5. A member may be removed as provided by applicable law.
 - 6. Members may be allowed expenses and compensation as determined by the Township Trustees.

- C. Organization
 - 1. The officers of the Commission shall be a Chairperson and Vice- Chairperson, to be elected at the first meeting of the Commission in each calendar year.
 - 2. The Chairperson shall preside at meetings. The Vice Chairperson shall conduct any meeting when the Chairperson is absent.
 - 3. The Commission shall prescribe rules and regulations for the conduct of its affairs not in conflict with this Resolution.

- D. Meetings and Quorum
 - 1. The regular meetings of the Howland Township Zoning Commission shall be held at the call of the Chairperson or on a schedule determined by the Commission.

2. Special sessions may be called by the Chairperson, or at the request of two members, provided that notice of the same has been given by mail or in person to each member at least twenty-four (24) hours before the time set, except that the announcement of a special session at any meeting at which a quorum is present shall be sufficient notice of the meeting.
 3. All meetings and hearings shall be open to the public.
 4. A quorum of the Commission shall consist of three (3) members.
 5. The members of the Commission shall attend the meetings in person.
- E. Public Notice. The Zoning Commission shall, prior to holding any meetings or taking any action, issue public notice as required by the Ohio Revised Code and by the provisions of this Resolution.
- F. Record of Proceedings. A record of all meetings and hearings, examinations and other official actions shall be made for the files. The record of each meeting and hearing shall show the vote of each member on every question.
- G. Powers and Duties. The Howland Township Zoning Commission shall have the following powers:
1. The Commission shall hear requests and applications for zone changes and for amendments or supplements to the zoning resolution.
 2. Upon compliance with the procedure set forth in the Ohio Revised Code, including RC 519.12, the Commission shall, within thirty (30) days after its public hearing, recommend the approval or denial of the proposed amendment or supplement or the approval of some modification and submit the recommendation together with the application or resolution, the applicable text and map, and the recommendation of the county planning commission to the Board of Township Trustees.
 3. The Commission shall have other duties authorized by the Township Trustees and consistent with applicable law.
- H. Action by the Commission
1. Every decision of the Commission shall be by motion.
 2. The Commission may, on motion of any member, review any decision that it has made and may reverse, or modify the decision by resolution.
 3. A concurring vote of three (3) members present shall be necessary to take action, make decisions, or act on any authorization.

20.04 ZONING AMENDMENTS

- A. The Howland Township Zoning Resolution may be amended as provided by the Ohio Revised Code Section 519.12.
- B. Application. An owner or lessee of property proposing an amendment shall submit an application providing at least the following:
1. Name, address, and phone number of the applicant
 2. Proposed text amending the Resolution or the legal description of property proposed to be rezoned.
 3. Description of current uses of the subject property and current zoning district.
 4. Description of proposed uses of the subject property and proposed zoning district.
 5. A vicinity map indicating property lines, existing structures and roads
 6. The names and tax mailing addresses of the owners of all properties located within, contiguous to or across the street from the properties proposed to be rezoned.
 7. An application fee as required by resolution of the Township Trustees

8. Other information as required by the Zoning Commission
- C. The application shall be submitted to the Planning and Zoning Director who shall file the application with the Zoning Commission at its next regularly scheduled meeting which shall be considered the original filing date.

20.05 ZONING ADMINISTRATORS

- A. The position of Township Planning and Zoning Director is hereby created. The Township Planning and Zoning Director and such assistants as may be determined necessary, shall be appointed by the Board of Township Trustees and shall receive such compensation as the Board of Township Trustees may provide.
- B. It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Planning and Zoning Director and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Planning and Zoning Director and that recourse from the decision of the Board of Zoning Appeals shall be to the courts as provided by law.
- C. The Township Planning and Zoning Director shall:
 1. Administer and enforce the provisions of this Resolution.
 2. Upon application, issue Zoning Permits in appropriate cases where there has been compliance with the provisions of this Zoning Resolution.
 3. Issue Certificates of Zoning Compliance upon inspection and determination that the use of a structure and/or land conforms to the approved plan and use filed with the Planning and Zoning Director, upon which a Zoning Permit was issued.
 4. Maintain records of all applications for Zoning Permits, Certificates of Zoning Compliance, Appeal or Variance, Zoning Amendments, Conditional Use Permits, and other permits and the action taken thereon. The Planning and Zoning Director shall also allow for the public inspection of all official zoning records and provide copies upon request to any person.
 5. Conduct routine inspection of the Township to identify zoning violations, and monitor the progress of construction projects to verify on-site compliance with zoning regulations.
 6. Maintain in current status the Zoning District Map, which shall be kept on permanent display in the Township.
 7. Respond to questions and accept applications for appeals or variances, applications for amendments to the Zoning Resolution and Zoning District Map, conditional use permit applications, and other matters relating to this Resolution.
- D. The Planning and Zoning Director may recommend to the Township Zoning Commission and the Board of Township Trustees amendments to the Zoning Resolution or Zoning Map, whenever public necessity or good zoning practices require such changes to be made.

20.06 PERMITS AND CERTIFICATES

- A. Zoning Certificate
 1. Application Required. Application shall be made to the Township Planning and Zoning Director for a zoning certificate prior to:
 - a. New uses of lots and building; change in use of an existing building, accessory building, or lot; and change in occupancy of a vacant commercial building *See 20.06 B regarding New Business Certificate.*
 - b. New building construction or building floor area expansion
 - c. Exterior modifications to an existing building

- d. New parking lot or expansion of existing
 - e. New or expanded outdoor storage or display area
 - f. New or expanded drive through facility
 - g. New sign, fence, wall, enclosure, deck or other accessory structure
 - h. Other alterations to a site (for example, reconfiguring of parking, buffers, green spaces, etc.) for which compliance with this Resolution is required
 - i. Structural alteration of any building or structure, including accessory buildings.
 - j. Where required by the provisions of the zoning district,
 - resurfacing of any part of the exterior of a structure including but not limited to the roof or walls of a building or parts of a fence, wall, enclosure, or sign
 - repainting or refinishing any part of the exterior of a structure where new materials or colors are used
 - Installation of new landscaping, other than replacement of previously approved
 - k. Such other construction, use of land, or other activity for which a zoning certificate is otherwise required by this Zoning Resolution.
2. Application Not Required.
- a. No zoning certificate shall be required for agricultural buildings which are exempt from such permits according to the Ohio Revised Code. Prior to the construction of an exempt agricultural building, however, the owner of property on which the building shall be constructed shall file an affidavit with the Township Planning and Zoning Department attesting that the building shall only be used or shall primarily be used for agricultural purposes
 - b. A Zoning Permit shall not be required for a temporary removable structure as part of a construction project, nor for the construction of roads, sewers, service lines, pipe lines or driveways.
3. Permit Required before Construction. No construction, alteration, occupancy, use or change of use, as specified in this section, shall take place until a Zoning Permit has been issued by the Planning and Zoning Director.
4. Responsible Party. The owner or lessee, his agent, employee, or delegate (including contractors, sub-contractors, and individual craftsmen) shall be responsible for obtaining a Zoning Certificate as required by this Section; and a violation of this requirement shall be enforceable against any of the aforementioned persons, corporations, partnerships or associations, either by civil or criminal action as provided by law.
5. Application. The applicant shall submit an Application for Zoning Certificate form, provided by the Township, and shall indicate the exact location of the proposed construction, alteration, or change of zoning use and shall include a plot plan, plans and specifications showing proposed

locations and dimensions of the building and the proposed zoning use, all of which shall be included in the permanent record of applications. The Application shall be accompanied by and have as a part thereof a diagram showing the proposed location of said building, structure or sign and the location of adjacent buildings, structures, and roads, indicating setback distances and yards and other illustrations and information as reasonably required by the Planning and Zoning Director to determine and document compliance of the proposal with this Resolution.

6. Fees. Fees for zoning certificates shall be submitted as required by Resolution of the Township Trustees.
7. Issuance or Denial. After receipt of all required information and completion of all required application reviews, the Planning and Zoning Director shall issue a zoning certificate if the proposal complies with the provisions of this Resolution. The Director shall deny a permit if the proposal does not comply with the provisions of this Resolution. The Planning and Zoning Director may refuse to issue a Zoning Permit in the event that the applicant fails to supply information reasonably required.
8. Inspection. The proposed building location shall be staked and a site inspection shall be made with the Township Planning and Zoning Director prior to the commencement of construction.
9. Emergency. In the event of an emergency, including fire, windstorm, flood or other acts destroying totally or partially a dwelling house, building, or structure making the same uninhabitable or unusable, the Zoning Regulations herein may be temporarily suspended insofar as they may apply at the discretion of the Planning and Zoning Director, by permitting a temporary structure to be used in the place of such destroyed building while the destroyed building is being repaired or replaced in accordance with the requirements of this Resolution. Under said conditions, the Planning and Zoning Director may permit the use of tents, trailers, or buildings for a six (6) month period.
10. Expiration.
 - a. A Zoning Certificate shall expire one (1) year from the date of issuance unless construction or the change of use has commenced.
 - b. A Zoning Certificate shall expire two (2) years from the date of issuance unless construction or the change of use has been completed.
 - c. Upon expiration, a new application for a Zoning Certificate shall be required.
 - d. The foregoing dates of expiration may be extended when the construction or use is subject to the terms of an approval by the Zoning Commission or Board of Zoning Appeals, in which case expiration shall be as determined by that Commission or Board.
 - e. The foregoing dates of expiration may be extended by the Planning and Zoning Director at the time the Certificate is issued provided that the Certificate is clearly marked with the expiration date and the reason for the extension.
11. Revocation. A Zoning Permit shall be revocable with cause if the actual use, construction or alteration does not conform to the terms of the Application and the Permit granted thereon

B. Business Use Certificate

1. A Business Use Certificate shall be required prior to establishing a new use in a new building, a new use in an existing building, a change of use in an existing building, or a change of occupant in an existing building:
 - a. Located on any property in a CRD-OI, CRD-1, CRD-2, C, or I District.
 - b. Located on any property in any zoning district upon which a business or industrial use has previously been established or authorized, including but not limited to such circumstances as legally established nonconforming uses and business use sites within planned districts.
 2. The owner or lessee of the building shall submit a Business Use Certificate application to the Planning and Zoning Director.
 3. The Planning and Zoning Director shall review the Business Use Certificate application to determine compliance with this Resolution and shall either:
 - a. Issue a Business Use Certificate authorizing the use in compliance with this Resolution; or
 - b. Inform the applicant that the application has been denied, stating the grounds for denial.
- C. Conditional Use Certificate
- When a use or construction has been approved subject to a conditional use certificate ordered or approved by the Board of Zoning Appeals, the use or construction shall be subject to all conditions, standards, agreements, or other special provisions established by the Board in issuing the order or approval. The Planning and Zoning Director shall issue a Conditional Use Certificate in the same manner as set forth for a Zoning Certificate or for a Business Use Certificate except for any specific orders of the Board as to the manner of issuance, which shall be referenced or attached to the Permit, and enforce the specific conditions, standards, agreements, or other special provisions established by the Board.

20.07 FEES

- A. Fees for applications, zoning certificates, variances, appeals, conditional zoning certificates, business use certificates, engineering services, and other zoning authorizations and services shall be submitted by applicants and other parties as required by Resolution of the Township Trustees.
- B. Unless otherwise provided, fees shall be paid at the time of application or request for service.
- C. A receipt for all fees paid by the applicant shall be issued by the Township Fiscal Officer, and the fees shall be turned over to the Township Trustees for proper disbursement according to law.

20.08 ENFORCEMENT

- A. The Planning and Zoning Director shall, upon finding that any of the provisions of this Resolution are being violated, notify in writing the person responsible for the violation, ordering the action necessary to correct the violation, and keep an accurate record of the zoning enforcement procedures conducted for the violation.
- B. The Planning and Zoning Director shall order discontinuance or removal of illegal uses of land, buildings or structures.
- C. The Planning and Zoning Director shall take any other action authorized by this Resolution or designated by the Township Trustees to ensure compliance with or to prevent violation of this Resolution.
- D. The Planning and Zoning Director is authorized to make inspections of properties and structures at any reasonable hour, for the purposes of enforcing this Resolution. Prior to entry to any property or structure, the Planning and Zoning Director shall attempt to obtain the permission of the owner/occupant, or designated agent, to inspect. If such permission is denied or cannot be obtained, the Planning and Zoning Director shall request the assistance of the County Prosecutor or Township Legal Advisor to secure a valid search warrant or other legal means prior to entry.

- E. Penalty. As provided in Section 519.99 of the Ohio Revised Code, or as amended, whoever violates the provisions of this Zoning Resolution shall be fined not more than five hundred dollars (\$500.00) for each offense.
- F. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of sections of the Ohio Revised Code, or of any regulation or provision adopted by the Howland Township Board of Township Trustees under such sections, the Board, the prosecuting attorney of the county, the Planning and Zoning Director, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Board of Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this section.

SECTION 21: RESERVED

SECTION 22: RESERVED

SECTION 23: RESERVED

SECTION 24: RESERVED

SECTION 25: DEFINITIONS⁴⁷

General Rules of Usage and Construction.

The following shall be applicable to all provisions of this Resolution.

- A. Words used in this Resolution in the present tense shall be interpreted to include the future tense; words used in the singular number shall include the plural number, and the plural number shall include the singular number.
- B. The word "SHALL" as used in this Resolution is mandatory and not discretionary. The word "may" is permissive.
- C. The word "STRUCTURE" shall include the word "BUILDING".
- D. The masculine gender as used in this Resolution shall include the feminine and neuter gender, and vice-versa.
- E. The word "used" or "occupied" shall include the words "arranged, designed, constructed, altered, converted or intended to be used or occupied".
- F. A "person" shall mean, in addition to an individual, a firm, corporation, association or any legal entity which may own and/or use land or buildings.
- G. The word "herein" means "this Resolution".
- H. The provisions of this Resolution shall be construed to achieve the purposes and intent for which they are adopted.
- I. In the event of a conflict between the text of this Resolution and any caption, figure, illustration, table, or map, the text of this Resolution shall control. In the event of any conflict between a chart and an illustration, the chart shall control. All illustrations included in this Resolution are for illustrative purposes only.
- J. An act authorized by this Resolution to be carried out by a specific official or agency of the Township is impliedly authorized to be carried out by a designee of the official or agency.
- K. The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or a legal holiday, that day shall be excluded.
- L. Any reference to the Ohio Revised Code or to other state or federal statutes or rules or those of other agencies having jurisdiction shall be construed to be a reference to the most recent enactment of the statute or rule, and shall include any amendments as may from time to time be adopted.
- M. Words written in italics are provided only for the purposes of reference and are not part of the adopted Zoning Resolution.

⁴⁷ Section re-organized 11/2004, Section Updated and Reformatted January 11, 2014

Definitions

ADULT ENTERTAINMENT BUSINESS, terms relating to

ADULT BOOK STORE: An establishment which utilizes any of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials.

ADULT ENTERTAINMENT BUSINESS: An adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment.

ADULT MATERIAL: Magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service capable of arousing interest through sight, sound, or touch, and;

- a. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
- b. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human functions of elimination.

ADULT MOTION PICTURE THEATER: An enclosed motion picture theater which is regularly used or utilized for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material.

ADULT MOTION PICTURE DRIVE-IN THEATER: An open air drive-in theater which is regularly used or utilized for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material.

ADULT ONLY ENTERTAINMENT ESTABLISHMENT: An establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this section, or which features exhibitions, dance routines, gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material.

MASSAGE: means any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with hands, or with the aid of any mechanical or electrical apparatus or appliance.

MASSAGE ESTABLISHMENT: means any fixed place of business where a person offers massages: (1) In exchange for anything of value; or (2) In connection with the provision of another legitimate service.

AGRICULTURE, terms relating to:

AGRICULTURE: Use of land which is defined by the Ohio Revised Code as "agriculture".

FARM MARKET: A structure used for the display and sale of agricultural products, subject to the limitations as set forth under "FARM MARKETS" in Section 4: Agriculture of these Howland Township Zoning Resolutions.

ANTENNA: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves whether located separate from or attached to the exterior of a building or other accessory structure.

APPEAL, ADMINISTRATIVE APPEAL: A request to the Board of Zoning Appeals for review and action regarding a decision or action taken by the Zoning Inspector or other authorized public official in administration or enforcement of this Resolution.

BOARD OF ZONING APPEALS, also known as “the BZA”: The Board, comprised of Township residents appointed by the Township Trustees, established to serve the zoning functions authorized by the Ohio Revised Code and this Resolution, including but not limited to reviewing and deciding action upon zoning variance and appeal requests.

BOARDING OR TENANT HOUSING: A building, other than a hotel or motel, where lodging or rooms, or both, are provided for compensation, whether directly or indirectly, and by prearrangement for definite periods for three or more persons

BUFFER, BUFFER ZONE: A strip of land or other feature(s) of a site designed and constructed in a manner intended to reduce negative impacts generated by uses located on the site onto abutting sites or nearby areas. As provided in this Resolution, buffers may include specific distances or spatial separations or features such as plants, fences, earthen mounds, or other features.

Where not otherwise specifically provided in this Resolution, a buffer shall at minimum comply with the following standards:

1. On a lot on which a commercial or industrial use is conducted, a strip of land adjacent to and parallel to any property line abutting a lot used for a dwelling shall be designated as the buffer. The purpose of the buffer shall be to block the view from the residential use to the abutting use.
2. Landscaping material (trees, shrubs, etc.) to a height of six (6) feet or a fence to a height of six (6) feet shall be installed and permanently maintained within the buffer.
3. If a fence is utilized, it must be of a material or design sufficient to obscure a view of the abutting use, and the side facing the residential use must be finished so as to provide a good cosmetic appearance. Such a fence must also conform to all regulations in this Resolution for "Fences". If landscaping material is utilized, it must be designed to achieve a fence equivalent in terms of height and of a design sufficient to obscure a view of the abutting use immediately upon planting; and the landscape material must be continuously maintained in a manner which achieves those requirements. At any such time the landscape material does not meet the buffer requirements, replacement will be required. The landscaping material or fence must be located along the inside edge of the buffer strip and not on the property line.
4. The buffer strip shall be clear of any other structures or driveways, and no parking or other uses related to the commercial or industrial use shall be permitted within the strip. The regulation for fences within the set-back area is modified to allow for a six (6) foot fence, but shall not be located any closer than thirty (30) feet from the right-of-way of the street along the front property line.

BUFFER, PERIMETER A landscaped area along the outermost project boundaries that serves as a buffer between incompatible uses and zoning districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary.

CARE FACILITIES, terms relating to:

ADULT DAY CARE CENTER: Facility operated for the purpose of providing care, protection and guidance to ten or more individuals eighteen (18) years of age or older during only part of a 24-hour day. This term excludes facilities offering care to individuals for a full 24-hour period.

TYPE B FAMILY DAY CARE HOME: Type B family day care home is a permanent residence of the provider in which child day care is provided for one to six children at one time and in which no more than three children are under two years of age at one time.

TYPE A FAMILY DAY CARE HOME: Type A family day care home is a permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent

residence of the administrator in which child day care is provided for four to twelve children at one time if four or more children at one time are under two years of age.

CHILD DAY CARE CENTER: Child day care center is a place that provides day care or publicly funded day care to thirteen or more children at one time or any place that is not the residence of the licensee or administrator where child day care is provided to seven to twelve children at one time.

HOSPICE: A place where palliative and supportive medical and other health services are provided to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting.

HOSPITAL: A place, other than a medical or dental office or a rest home, where medical or surgical health care services are provided to persons together with facilities for over-night care and recovery.

MEDICAL OR DENTAL OFFICE, LABORATORY, OR CLINIC: A place where medical or dental services are provided on an out-patient basis with no overnight stays. A laboratory contained within the same building as a medical or dental office or clinic where tests are done on clinical specimens in order to get information about the health of a patient of such office or clinic.

RESIDENTIAL FACILITY - A state-licensed residential facility, providing accommodations and personal care services for unrelated persons, that meets the criteria of Section 5119.34 Division (B)(1)(b) of the Ohio Revised Code. They are further defined as:

Small Residential Facility— a state-licensed residential facility accommodating one to five persons.

Large Residential Facility— a state licensed residential facility accommodating six to sixteen persons.

REST HOME, NURSING HOME, HOME FOR THE AGING: A structure operated for the care of the aged or infirmed persons in which three or more persons not of the immediate family are received, kept, and provided with food, shelter, medical care, but not including hospitals, clinics, licensed family homes, and licensed group homes for developmentally disabled persons, institution, or other terms specifically defined and regulated in this Resolution.

SANITARIUM: A place where persons are temporarily housed for the purpose of recuperation and recovery from medical disorders.

VETERINARIAN: A place where animals are given medical or surgical treatment and are cared for during the time of such treatment. An animal hospital, veterinary clinic.

CEMETERY A place of interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments or a combination thereof.

CHIMNEY A vertical shaft of reinforced concrete, masonry, or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

CHANGE OF USE: The replacement of an existing use by a new use, or a change in the nature of the existing use, or the addition of a new category of use to an existing use, but not including a change of ownership, tenancy, or management where the previous nature of the use, line of business, or other function is substantially unchanged.

COMMON DRIVE Shared access that serves up to four separate single-family residential parcels, each having public street frontage.

COMMUNITY GARDEN A private or public facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

CONSTRUCTION: Any man-made change to improved or unimproved real estate, including but not limited to activities creating or adding to buildings, accessory structures, pavements, utilities, or the excavation, grading or filling of ground. The start of construction occurs when ground is broken for the purpose of the erection of any building, accessory structures, underground utilities or the like falling under the jurisdiction of these Resolutions.

CORNICE Any horizontal member, structural or non-structural, of any building projecting outward from the exterior walls at the roofline, including eaves and other roof overhang.

COVERAGE, BUILDING: The land area occupied by buildings or structures under roof, measured from the exterior walls.

COVERAGE, IMPERVIOUS SURFACE: Any paved, hardened, or structural surface regardless of its composition including but not limited to buildings, roads, driveways, parking lots, loading/unloading areas, decks, patios, and swimming pools.

DANGEROUS PETS: Refers to any animal, reptile, bird, fish, or insect, which is trained, restrained, confined, and cared for in a way which demonstrates ownership and which poses a threat of physical harm to humans or which creates a nuisance to the neighborhood.

DENSITY: The number of dwelling units constructed per gross acre, provided that actual permitted density of any property or development shall be determined on the basis of compliance with the provisions of this Resolution and other applicable regulations, including but not be limited to minimum lot dimensions, building setbacks, required public improvements, stormwater requirements, and subdivision regulations.

DEVELOPER: Any individual, corporation, partnership, or entity which owns property that is subject to the standards and regulations set forth in this Resolution or which finances, manages, designs, administers, or invests in the development or redevelopment of the property.

DEVELOPER'S ENGINEER: A person licensed as a professional engineer by the State of Ohio and who provides engineering services to or otherwise represents a developer.

DIRECTOR OF PLANNING AND ZONING: An employee or contractor of Howland Township appointed by the Township Trustees to serve as the Planning and Zoning Director. The responsibilities and authorities of the Planning and Zoning Director include but are not limited to land use planning, zoning administration and enforcement, and related activities. The Planning and Zoning Director may be assigned to serve as and/or supervise a Zoning Inspector.

DOMESTIC ANIMAL Shall include, but not limited to, horses, cows, llamas, alpaca, goats, sheep, pigs and fowl. For the purpose of this resolution "domestic animal" does not mean a "household pets".

DORMER shall mean a structure containing a vertical window or windows that projects through a pitched roof.

DRIVE THROUGH FACILITY (also, "drive in", "drive up", or "drive thru"): A business establishment or an accessory use of a business establishment designed to dispense products or services to patrons who remain in vehicles.

DRIVEWAY: That area of a lot reserved for vehicular ingress and egress to the main structure or parking areas or other areas on a lot and consisting of a hard surface of gravel, asphalt, concrete, brick, stone, or porous pavers.

DWELLINGS, terms relating to:

DWELLING: A building which contains one or more dwelling units. The term "dwelling" includes traditional "site built" dwellings, modular, and permanently sited manufactured homes. The term "dwelling" does not include a recreational vehicle or a mobile home as defined herein and does not include a hotel, motel, or other building used for transient residents. All dwellings shall comply with the requirements of applicable building, safety, and health codes.

DWELLING UNIT: One or more rooms within a building arranged, intended, designed and equipped for independent occupancy by a family, or by an individual or a group of individuals, for living and sleeping purposes and containing cooking, bathing, and toilet facilities for the exclusive use of the occupants. A room or rooms or structure which does not comply with or has not been approved according to the occupancy regulations of the building and health codes effective in Trumbull County and the Township shall not be deemed a dwelling unit.

DWELLING, A SINGLE FAMILY: A dwelling entirely detached and independent from any other principal structure, arranged, intended, designed and constructed or reconstructed to be occupied by a single family.

DWELLING, TWO FAMILY: A family dwelling entirely detached and independent from any other principal structure, arranged, intended, designed and constructed or reconstructed to be occupied by two families.

MULTIFAMILY DWELLING: A building containing three (3) or more dwelling units where each unit is provided an individual entrance to the outdoors or to a common hallway. Condominiums, townhouses, and apartments may be forms of multifamily dwellings.

MANUFACTURED HOME A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, [42 U.S.C.A. 5401](#), [5403](#), and that has a permanent label or tag affixed to it, as specified in [42 U.S.C.A. 5415](#), certifying compliance with all applicable federal construction and safety standards.

MANUFACTURED HOME, PERMANENTLY SITED. A manufactured home that meets all of the following criteria:

- (a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- (b) The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet;
- (c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- (d) The structure was manufactured after January 1, 1995;
- (e) The structure is not located in a manufactured home park as defined by [section 4781.01 of the Revised Code](#).

MANUFACTURED HOME PARK: Is a tract of land which has been zoned, planned, improved and developed for the placement of manufactured mobile homes.

EATING AND DRINKING ESTABLISHMENTS, terms relating to:

BAR, LOUNGE, or TAVERN: Any place devoted primarily to the selling, serving, or dispensing and drinking of malt, vinous, or other alcoholic beverages, or any place where any sign is exhibited or displayed indicating that alcoholic beverages are obtainable within or thereon, and where such beverages are consumed on the premises.

OUTDOOR DINING AREA: An area, located outside of a fully enclosed building, in which dining or drinking are permitted.

RESTAURANT: A establishment where food and beverages are prepared, served and consumed primarily within the principal building and where food sales constitute the majority of the gross sales receipts for food and beverage.

DRIVE IN OR DRIVE UP RESTAURANT: An establishment which furnishes food or drink to patrons who remain in their vehicles.

EAVE The projecting lower edge of a roof overhanging the wall of a building.

EDUCATIONAL FACILITIES Buildings or structures used to teach students. Educational facilities may include primary schools, elementary schools, middle schools, or high schools. Educational facilities shall not include colleges, vocational schools, and other similar uses.

EFFECTIVE DATE: The date at which time these Howland Township Zoning Resolutions were initially adopted, and any dates of Amendments thereto, as adopted by the Howland Township Trustees.

ENGINEER: The engineer or engineering consulting group hired by the Township to perform engineering services to the Township.

EXOTIC ANIMALS Any cat, other than *felis catus*; any canine, other than *canis familiaris*, non-human primates; poisonous reptiles; alligators, crocodiles or lizards over two feet long; snakes over six feet long; bears; kangaroos; poisonous stinging insects; arachnids; any species of animal not indigenous to the local area, and similar animals as defined in the Ohio Revised Code.

FARM STAND The use of any land or a structure for the sale of produce in accordance with the provision of this resolution.

FAMILY: Any number of individuals occupying a single dwelling unit provided that the number of individuals, the numbers of bedrooms, and the physical conditions and nature of occupancy of the dwelling shall comply with all applicable health and safety regulations.

FENCE: A structure serving as an enclosure, barrier, or boundary usually constructed of posts, boards, wire or rails.

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

FLOOR AREA, GROSS (GFA): The total floor area of a building (sec 17, parking)

FRONTAGE OF THE STRUCTURE, BUILDING WALL FRONTAGE: The wall of a building which is closest to and generally parallel to the frontage of the lot on which the building is located.

GARAGE, terms relating to, see Vehicular uses and structures, terms relating to

GARAGE SALES: Refers to any occasional, non-commercial sales conducted by the owner of the premises in a garage, yard, porch, lawn, or other location in a residential area.

GOVERNMENT FACILITIES A building or land used and/or controlled exclusively for governmental or public purposes by any department or branch of government including township, county, state or other recognized public entity. Such use may include, but is not limited to, township offices, public works, safety services, post offices and other uses not defined separately within this Resolution. Government facilities shall not include schools or other educational facilities.

GRADE, EXISTING: The approved ground elevation established for the purpose of regulating the number of stories and the height of structures.

GREEN AREA: An area of the parcel or lot that shall be set aside for grass or vegetation to be maintained, exclusive of driveways, parking areas and structures

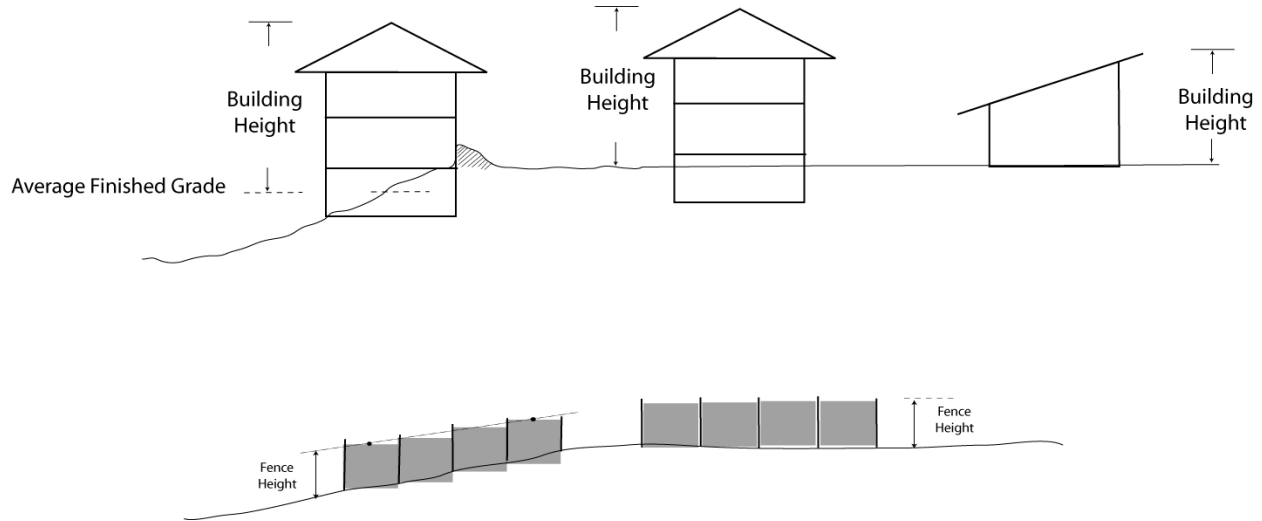
HANDICAP ACCESSIBILITY RAMP A ramp or similar structure which provides wheelchair or similar access to a building.

HEDGE A line of closely spaced shrubs and tree species, planted and trained in such a way as to form a barrier or screen or to mark a boundary of an area.

HEIGHT, terms relating to.

HEIGHT OF BUILDING: The height of any building shall be the vertical distance between the highest point of elevation of the roof (including any rooftop deck, fence, railing, wall, widow’s walk, or other rooftop structure or feature) and the average finished grade of the ground adjoining the building (not including earth mounds installed for purposes of landscaping).

Chimneys, ventilators, antennas, skylights, tanks, bulkheads, or solar panels shall not be considered part of the height of the building if they do not extend more than four (4) feet above the specified height limit. Domes, towers, or spires which are integral parts of churches or religious buildings shall not be subject to these limitations, provided that such features shall not be designed or used for occupancy.



HEIGHT OF FENCE: The height of a fence shall be the vertical distance between the top of the fence and the natural grade of the ground on which the fence is installed. Where a fence is installed upon an earth mound or other fill, the fence height shall include the height of the mound or fill. Where a fence is constructed of panels on a line perpendicular to a slope, the height shall be measured from the center point of the top of each panel.

HEIGHT OF SIGN: The height of a sign shall be measured from the ground at the natural or finished grade of the site (excluding any additional mounding of soil or other material below the sign) to the highest point of the sign including any projection above the sign face, frame, or structure. *See sign height in Sec 10 Signs*

HOME OCCUPATION: A business activity conducted within a dwelling and accessory structures as an accessory, subordinate use to the primary residential use of the dwelling.

HOTEL, MOTEL, INN, LODGING, TOURIST ACCOMMODATIONS: A building in which lodging is provided and offered to the public for compensation and which is open to transient guests.

HOUSEHOLD PET. For the purposes of this resolution, a household pet refers to any animal that is commonly kept inside a residence such as a dog or cat.

INDUSTRY, INDUSTRIAL USES: A use which involves activities relating to the creation, storage, and distribution of products, including but not limited to manufacturing, repair, packaging, shipping, trucking facilities, warehousing, wholesaling, and storage facilities. Industry does not typically include retail sales and services.

INGRESS/EGRESS. (Ingress/egress area of property, Ingress/egress point): That part of a lot which is suitable for vehicular entry to and exit from a lot as authorized by this Resolution and other applicable regulations, including but not limited to the Trumbull County Subdivision Regulations and local, county, state, and federal highway regulations.

LANDSCAPING, terms relating to

LANDSCAPING: The design, installation, operation and maintenance of soil, plants, groundcovers and related features for aesthetic and functional purposes as provided in this Resolution.

SHRUB: A self-supporting, deciduous or evergreen plant species, normally branched near the base, bushy and normally growing to less than fifteen (15) feet in height or more in Trumbull County.

CONIFEROUS TREE OR SHRUB: An evergreen, cone-bearing tree or shrub.

NATIVE TREE: A tree known to have grown in the northern Ohio area before the arrival of the first Europeans (“pre-settlement”) or as identified in the sources provided in Appendix A.

TREE: A self-supporting, woody, deciduous or evergreen plant, with a well-defined central stem or a species of the plant that normally grows to a height of fifteen (15) feet or more in Trumbull County.

TREE, ORNAMENTAL: A tree that normally grows to a height of not more than twenty (20) feet in Trumbull County and which is planted for aesthetic benefit due to the characteristics of its flowers, berries, foliage or bark.

LIGHTING, terms relating to

CUT-OFF FIXTURE, DOWN LIGHTING: A lighting fixture designed so that all light emitted by the fixture is projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

LIVING AREA: The floor area of a dwelling unit, excluding areas within or attached to the dwelling used or designed for or otherwise unsuitable for year-round residential activity including but not limited to: the storage of vehicles, outdoor tools, equipment or materials; greenhouses; unheated spaces such as porches or breezeways; basements, attics.

LOTS, YARDS, LINES and SETBACKS, terms relating to

BUILDING LINE SCHEME: The predominate placement of residential structures on a street related to the front setback line.

LINE OF A BUILDING, BUILDING LINE: A line coincident with and parallel to a front, side, or rear foundation line of the principal building (or line of a covered porch, but not including uncovered steps or walks) which is closest to the corresponding front, side, or rear lot line. Where the foundation is an irregular line, the nearest segment of the foundation shall be the location of the building line. The building line forms a boundary of the corresponding front, side, or rear yard.

LOT, PREMISES, PROPERTY: A single parcel of land, not divided by any lot line, occupied or intended to be occupied by a principal building or a group of buildings and accessory structures or uses, including open space and frontage on a public road, or other road or means of access approved for frontage, as required by this Resolution. *See also “Meaning of “Lot” for purposes of sign regulations.*

LOT AREA: The computed area contained within the lot lines of a single lot. Where the lot lines extend into a public right-of-way or private street, the area of the lot lying within the public right-of-way or private street shall not be included as part of the lot area for the purposes of these Regulations.

LOT, CORNER: A lot abutting upon two or more roads at their intersection provided the angle at which the roads intersect does not exceed one hundred thirty-five (135) degrees.

LOT FRONTAGE: That part of a lot which abuts a public right-of-way or platted and recorded private road.

LOT WIDTH: The distance between the side lot lines of a lot measured along a line parallel to the front lot line and located at the front setback line.

LOT LINE: A property line defining the limits of a lot.

FRONT LOT LINE, FRONT PROPERTY LINE: Shall be construed to be coincident with the principal road line of the lot. If there is no established right-of-way side line for road or street, said line shall be deemed to be thirty (30) feet from the center of the road. On a corner lot, only one right-of-way line shall be the front lot line.

SIDE LOT LINE: Any lot line which is neither a front lot line nor a rear lot line. A side lot line typically extends from the front lot line to the rear lot line.

REAR LOT LINE, REAR PROPERTY LINE: The lot line that is opposite and most distant from the front lot line. Where a lot is irregular or triangular in shape and there is no rear lot line, the rear lot line shall be construed to be a line at least ten (10) feet long, parallel to and most distant from the front lot line.

SETBACK LINE: A line located at the required minimum distance from a lot line and which establishes the area ("buildable area") within which the principal structure must be located.

STRUCTURE SETBACK: That distance measured from the structure's outside wall to a property line and that the foundation wall shall be used for that measurement. Bow or bay windows, chimneys and the overhang of the roof system may extend no more than two (2) feet. Under no circumstance shall the wall of any room project into the setback area regardless of where the foundation wall is placed. A stoop with no walls or roof may extend into the front or rear yard setbacks. No stoop, porch or similar structure may extend into a side yard setback.

YARD: An area of land located between a lot line and the building line and which is unoccupied and unobstructed from the ground upward except as specifically provided in this Resolution.

YARD DEPTH: The shortest distance between a lot line and a building line.

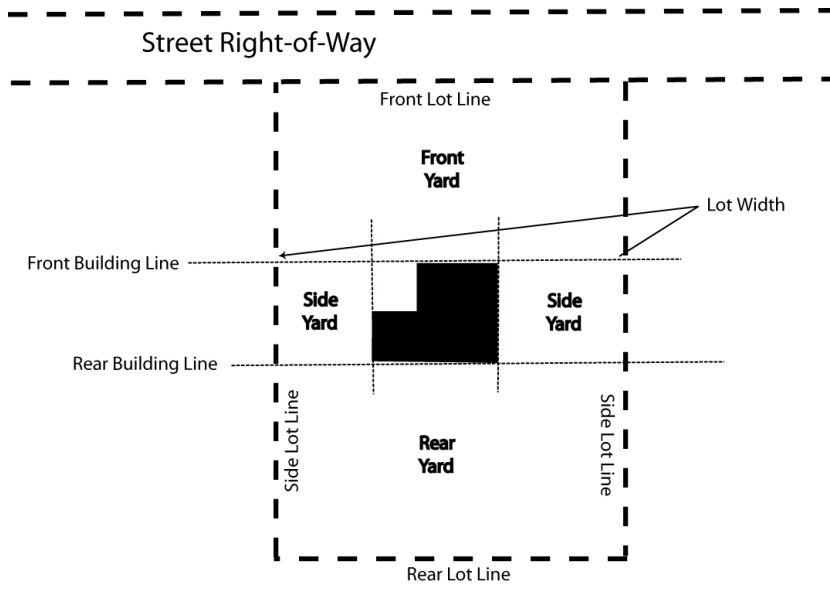
YARD, FRONT: The yard extending across the full width of the lot and bound by the front yard line, the side lot lines, and the front building line of the principal building.

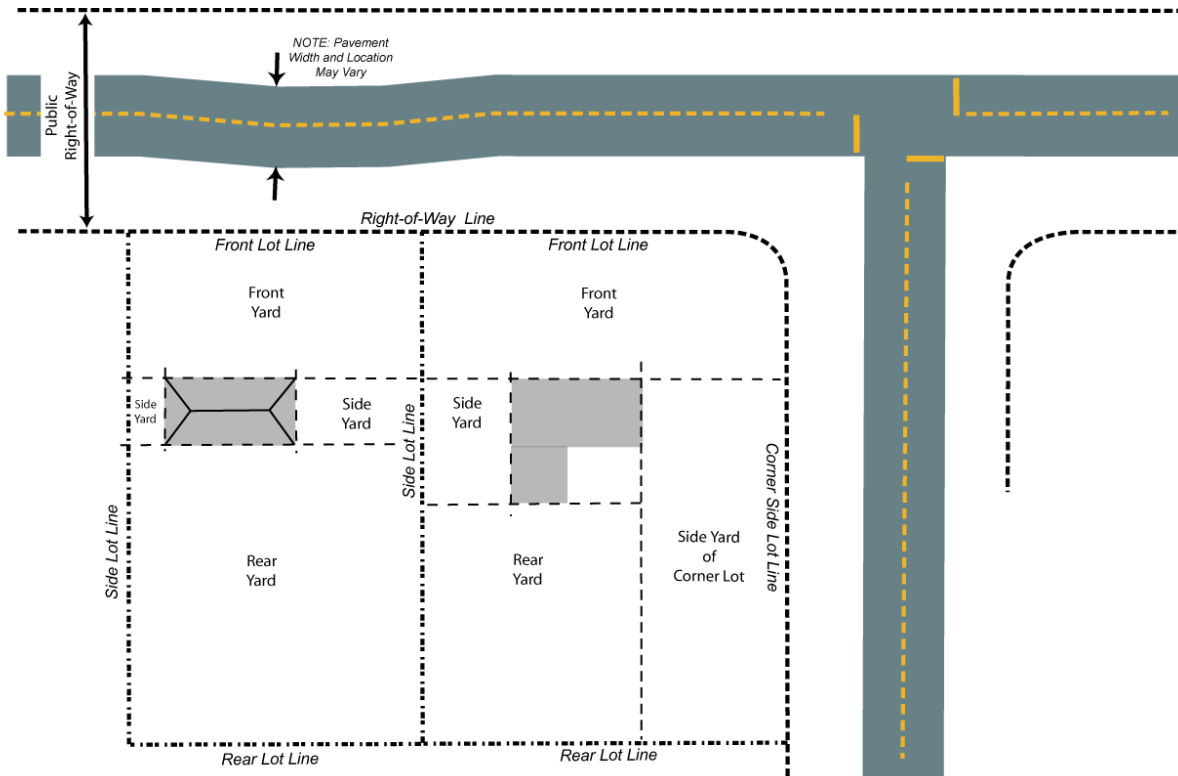
YARD, PERIMETER. An area of land representing the outermost project boundaries and containing any required perimeter buffer.

YARD, REAR: The yard extending across the full width of the lot and bound by the rear lot line, the side lot lines, and the rear building line of the principal building.

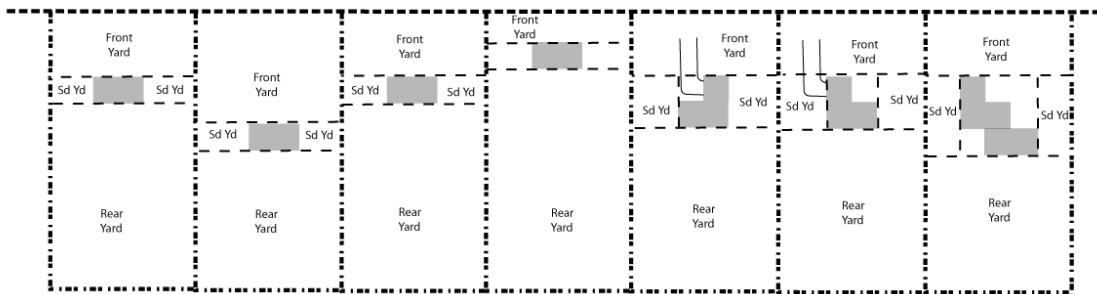
YARD REQUIRED: A yard having the minimum dimensions (such as width, depth, area) required for a front, rear, or side yard by this Resolution.

YARD, SIDE: The yard bound by the side lot line, the front setback line, the rear setback line, and the side of the principal building.





Yards in irregular configurations:



MANUFACTURED HOME A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” 88 Stat. 700, [42 U.S.C.A. 5401, 5403](#), and that has a permanent label or tag affixed to it, as specified in [42 U.S.C.A. 5415](#), certifying compliance with all applicable federal construction and safety standards.

MANUFACTURED HOME, PERMANENTLY SITED. A manufactured home that meets all of the following criteria:

- (a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- (b) The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet;

- (c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- (d) The structure was manufactured after January 1, 1995;
- (e) The structure is not located in a manufactured home park as defined by [section 4781.01 of the Revised Code](#).

MANUFACTURING: The mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts, and the production or refining of goods, materials, or substances into new products, mechanical or chemical transformation of materials into new products; transformation of materials by heat, electricity, or other forms of energy; the blending of new materials, and the packaging of materials.

MUSEUM: A building serving as a repository for a collection of natural, scientific or literary curiosities or objects of interest, or works of art, and arranged, intended and designed to be used by members of the public for viewing, with or without a charge, and which may include as an accessory use the sale of related goods to the public.

NEIGHBORHOOD PARK – A park of one acre or less intended to serve the recreational needs of people living or working within one-half of a mile of the park.

NONCONFORMITIES, terms relating to:

NONCONFORMING: Not conforming to the provisions of this Resolution.

NONCONFORMING LOT: A lot legally established prior to the effective date of this Zoning Resolution, or subsequent amendments, which does not comply with the provisions of this Zoning Resolution, or subsequent amendments, applicable to the zoning district in which the lot is located.

NONCONFORMING STRUCTURE: A building or other structure legally established prior to the effective date of this Zoning Resolution, or subsequent amendments, which does not comply with the provisions of this Zoning Resolution, or subsequent amendments, applicable to the zoning district in which the structure is located.

NON-CONFORMING USE: A use that does not comply with the regulations established for the zoning district in which it is situated.

NPDES National Pollutant Discharge Elimination System: The program of sediment and erosion control developed and under the jurisdiction of the United States Environmental Protection Agency.

OFFICE: A use, conducted within a building or part of a building, involving the conduct of the administrative, executive, management, or clerical affairs of a business, service, industry, or government; or the activities of a profession; and generally furnished with desks, tables, files, and communication equipment.

The term “office” includes but is not limited to: accounting and bookkeeping; brokers and investment advisors; realtors; appraisers; lawyers; architects, engineers, landscape architects, or other design professionals; sales offices without stock in trade; and similar uses. The term “office” does not include: financial services, retail business, model home, or personal services.

OFFICE BUILDING, GENERAL: A building wholly occupied by offices, but not including medical offices.

OFFICE BUILDING, MEDICAL: A building or part of a building in which one or more medical or dental offices, associated laboratories, or clinics are located.

OUTDOOR SALES AND DISPLAY: The temporary or periodic use of a yard for the purpose of exhibiting goods, equipment, vehicles, or other products for sale, rent, or other gain or for the purpose of attracting attention to the availability of the goods, equipment, vehicles or other products for sale, rent, or other gain. Unless otherwise provided in this Resolution, outdoor sales and display shall only be permitted as a use accessory to a principal use of a lot.

OUTDOOR STORAGE: The temporary or periodic use of a yard for the purpose of storing goods, equipment, vehicles, waste materials, or other matter used or produced by a business enterprise, except the storage of vehicles used in the conduct of the business or the vehicles of employees or customers. Unless otherwise provided in this Resolution, outdoor sales and display shall only be permitted as a use accessory to a principal use of a lot.

OHIO REVISED CODE, ORC, RC: All statutes of a permanent and general nature of the state of Ohio as revised and consolidated into general provisions, titles, chapters, and sections and known as the Ohio Revised Code.

PARKING, terms relating to

COMMON DRIVEWAY: A driveway serving two or more structures or parking areas which are located on individual lots.

CROSS ACCESS: A driveway providing vehicular access between two or more contiguous sites.

CURB CUT: A location at which access to a lot from a public right-of-way is authorized.

CURB, CONCRETE CURBING: Stone or concrete boundaries marking and containing the edge of a roadway, parking, or other paved surface and which may also contain vehicles within the paved area and direct storm water to inlet structures.

PARKING: An area of land together with improvements such as pavement, curbs, access drives, storm drainage facilities and landscaping designed or used for the parking of motor vehicles.

PARKING BAY: An area of a parking lot containing an aisle together with the parking spaces which abut the aisle and that are accessed by way of that aisle. A single loaded parking bay provides access to parking spaces on one side of the aisle. A double loaded parking bay provides access to parking spaces on two sides of the aisle.

PARKING ISLAND: An unpaved area located within and completely surrounded by the paved surface of a parking lot.

PARKING LOT: A paved surface providing one or more parking spaces and required aisles, access, landscaping, storm water management facilities, and other associated improvements.

PARKING PENINSULA: An unpaved area located within and surrounded on three sides by the paved surface of a parking lot.

PARKING SPACE: A surfaced area reserved for the storage of one passenger vehicle and provided with access to a public right-of-way as required by this Resolution. A parking space may be enclosed or unenclosed as required by this Resolution.

PASSIVE PARK RECREATIONAL FACILITIES AND CONSERVATION AREAS – Any park or recreational facility where there is no grading of the land, construction of facilities, lighting, or development of ball fields with the exception that passive park recreational facilities and conservation areas may include the development of trails, sidewalks, and interpretive signage.

PERIMETER BUFFER shall mean a landscaped area along the outermost project boundaries that serves as a buffer between incompatible uses and zoning districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary.

PERMANENT FOUNDATION shall mean permanent masonry, concrete, or a footing or foundation approved by the manufactured homes commission pursuant to Chapter 4781. of the Revised Code, to which a manufactured or mobile home may be affixed.

PERSONAL SERVICES: An enterprise, which is not otherwise specifically defined or regulated by this code, conducted for gain which primarily offers services to the general public involving the care of a person or a person's goods or apparel or household pets, but not including senior housing, senior care facilities, medical or veterinary services. Personal services include, but are not limited to shoe repair, watch repair, tailor, seamstress, barber shop, beauty parlor, dry cleaner, and laundry.

PLACES OF ASSEMBLY, terms relating to

PLACE OF ASSEMBLY: A place where members of the public or membership groups regularly gather for organized civic, educational, political, religious, social, or recreational events. Places of assembly include but are not limited to social clubs, fraternal clubs, places of worship, theaters, auditoriums, stadiums, arenas, amphitheaters, assembly halls, banquet halls and similar uses.

PLACE OF WORSHIP: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with the primary purpose, including but not limited to a parish house. Included in the meaning of the term "place of worship" are the terms "church", "synagogue", "temple", "mosque" and other places for worship and religious activities.

PORCH: is a non-habitable, unheated, one-story addition to a dwelling consisting of a roof, columns or other ground supports for structural purposes, and a floor surface. Depending on location, a porch may include enclosing railings, walls, windows, screens, lattice, or doors complying with the provisions of this Resolution⁴⁸

PORTABLE STORAGE UNIT: A portable structure or container that allows for storage of goods or materials, on or off-site and which is not permanently affixed to a foundation and that is related to construction, renovation, Rehabilitation of the building on which the site is located.⁴⁹

PROFESSION: Refers to and includes a doctor of medicine, doctor of osteopathy, dental surgeon, oral surgeon, orthodontist, optometrist, doctor of veterinary medicine, chiropractor, podiatrist, audiologist, speech pathologist, psychologist, attorney, architect, accountant, professional engineer, and such other persons who can, upon proper appeal to the Howland Township Board of Zoning Appeals, clearly establish that they practice a profession as opposed to an occupation which is predominately commercial or mechanical in nature.

PUBLIC DRINKING WATER: A water system approved by the Trumbull County Sanitary Engineer or other agency for the distribution of treated water.

RECREATION FACILITY: A place designed and equipped for sports, leisure-time, or entertainment activities, but not including those uses otherwise defined or regulated in this Resolution. Restaurants, types of lodging, and adult uses, which are separately defined or regulated in this Resolution, are not included within the meaning of "recreation facility". Recreation facilities owned and operated by Howland Township or the local School Board are not included within the meaning of "recreation facility". As provided in this Resolution, recreation facilities are of four types:

RECREATION FACILITY, TYPE A: Outdoor recreation facilities, usually requiring a large space, which are relatively quiet and having impacts compatible with residential uses, including but not limited to such activities as a regulation golf course and club house, picnic area, playground, trails for walking, bicycling, or horse-riding (excluding trails used by motorized vehicles), fishing, non-motorized boating, observation of nature, and similar facilities and activities.

⁴⁸ Amended July 21, 2017

⁴⁹ Added July 21, 2017

RECREATION FACILITY, TYPE B: Outdoor recreation facilities for intense sports and athletic activities including but not limited to field sports, baseball field, soccer field, swimming pool, tennis court, basketball court, golf driving range.

RECREATION FACILITY, TYPE C: Indoor recreation and entertainment facilities including but not limited to those required for indoor court sports, shooting ranges, athletic clubs, bowling alleys.

RECREATIONAL USE: A use designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. This does not include a recreational use that is an accessory to a residence⁵⁰.

RETAIL, FREESTANDING: A building located independently on a single lot, provided with exclusive parking on the lot, and containing a single retail sales facility not larger than 20,000 square feet gross floor area.

RETAIL, LARGE SCALE: A building located independently on a single lot, provided with exclusive parking on the lot, and containing a single retail sales facility larger than 20,000 square feet gross floor area.

RIPARIAN SETBACKS, terms relating to: For the purpose of this regulation, **Section 6, Riparian Setbacks**, the following terms shall have the meaning herein indicated:

BEST MANAGEMENT PRACTICES (BMP's): Conservation practices or protection measures which reduce impacts from a particular land use. Best Management Practices for construction are outlined in "*Rainwater and Land Development, Ohio's Standard for Stormwater Management, Land Development, and Urban Stream Protection*" prepared by the Ohio Department of Natural Resources.

CAPTURED OR CHANNELIZED STREAMS: Streams that are considered captured or channelized are those that are constructed in waters of the U.S. or connect two waters of the U.S., and they possess a defined ordinary high water mark (OHW), and they possess a defined channel and evidence of stream flow.

DAMAGED OR DISEASED TREES: Trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a structure.

DESIGNATED WATERCOURSE: A watercourse within Howland Township that is in conformity with the criteria set forth in this regulation.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA): The agency with overall responsibility for administering the National Flood Insurance Program.

IMPERVIOUS COVER: Any paved, hardened, or structural surface regardless of its composition including but not limited to buildings, roads, driveways, parking lots, loading/unloading areas, decks, patios, and swimming pools.

INVASIVE PLANTS: According to the Ohio Department of Natural Resources Natural Areas and Preserves, invasive plants are characterized by fast growth rates, high fruit production, rapid vegetative spread and efficient seed dispersal and germination. Since these plants are not native to Ohio, they lack the natural predators and diseases which would naturally control them in their native habitats.

NATURAL STREAM CHANNEL DESIGN: Practices undertaken to stabilize stream systems by restoring natural function and morphology. Natural channel design, stream restoration, and/or streambank stabilization projects should comply with principles laid out in the following publications:

Stream Corridor Restoration: Principles, Processes, and Practices

⁵⁰ Added July 21, 2017

The Federal Interagency Stream Restoration Working Group, October 1998.
Applied River Morphology, Second Edition, Dr. Dave Rosgen, October 2002.
NRCS Field Office Technical Guide, Natural Resource Conservation Service

NATURAL SUCCESSION: A gradual and continuous replacement of one kind of plant and animal group by a more complex group. The plants and animals present in the initial group modify the environment through their life activities thereby making it unfavorable for themselves. They are gradually replaced by a different group of plants and animals better adapted to the new environment.

100-YEAR FLOODPLAIN: Any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year.

OHIO ENVIRONMENTAL PROTECTION AGENCY: Referred throughout this regulation as the "Ohio EPA."

ORDINARY HIGH WATER MARK (OHW): The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. The ordinary high water mark defines the bed of a watercourse.

PRELIMINARY PLAN: A drawing of a major subdivision for the purpose of study of which, if approved, permits proceeding with the preparation of the final plat.

RIPARIAN AREA: Naturally vegetated land adjacent to watercourses that, if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood size flows, and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of this regulation.

RIPARIAN SETBACK: The real property adjacent to a designated watercourse located in the area defined by the criteria set forth in this regulation.

SOIL AND WATER CONSERVATION DISTRICT: An entity organized under Chapter 1515 of the Ohio Revised Code referring to either the Soil and Water Conservation District Board or its designated employee(s), hereinafter referred to as Trumbull SWCD.

SOIL DISTURBING ACTIVITY: Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would be equal to, or would exceed, 50% of the market value of the structure before the damage occurred.

WATERCOURSE: Any brook, channel, creek, river, or stream having banks, a defined bed, and a definite direction of flow, either continuously or intermittently flowing.

WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 CFR 232, as amended). The Ohio EPA has adopted regulations that categorize wetlands based on their quality and impose differing levels of protection based on the wetland's category as defined in OAC Rules 3745-1-50 through 3745-1-54.

- Ohio EPA Category 3 Wetlands: Those wetlands classified as Category 3 wetlands under OAC 3745-1-54, in accordance with generally accepted wetland assessment methods acceptable to the U.S. Army Corps of Engineers and the Ohio EPA at the time of application of this regulation.
- Ohio EPA Category 2 Wetlands: Those wetlands classified as Category 2 wetlands under OAC 3745-1-54, in accordance with generally accepted wetland assessment methods acceptable to the U.S. Army Corps of Engineers and the Ohio EPA at the time of application of this regulation.

- Ohio EPA Category 1 Wetlands: Those wetlands classified as Category 1 wetlands under OAC 3745-1-54, in accordance with generally accepted wetland assessment methods acceptable to the U.S. Army Corps of Engineers and the Ohio EPA at the time of application of this regulation.

ROADS and RIGHTS-OF-WAY, terms relating to:

ADT: Average Daily Traffic, the average number of vehicles two-way passing a specific point in a 24-hour period, normally measured throughout a year.

COMMON DRIVE Shared access that serves up to four separate single-family residential parcels, each having public street frontage.

INTERSECTION: Refers to the junction of any two or more dedicated and accepted public streets in Howland Township. Where a measurement relative to the point of intersection of two roads is required by this Resolution, that point shall be the nearest point where the center lines of the two roads intersect.

ODOT is the Ohio Department of Transportation.

PRIVATE ROAD OR STREET A shared means of vehicular ingress and egress within an easement of access serving as frontage for lots in a residential development but where it has not been dedicated for public operation and maintenance, has not been a recorded public right of way, and has not been accepted into the road system by Howland Township and the Trumbull County Commissioners, but has been recorded as a private road for access to abutting properties

RIGHT-OF-WAY: An area of land dedicated for use as a public or private roadway, typically containing or intended to contain road improvements and which may also include sidewalks, utilities, and other construction. The outside boundary of a right-of-way may be referred to as a “Right of way line”.

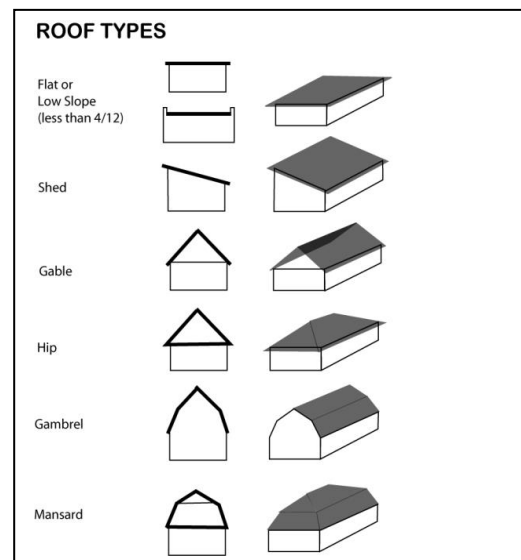
SECONDARY ACCESS. A second public street access route provided within a residential subdivision to ensure that no more than 24 residential dwelling units are located on either a cul-de-sac or on any other street configuration which limits public safety forces to a single access route.

STREET, ROAD, HIGHWAY, THOROUGHFARE, OR LANE: Are considered to be synonymous and each is defined as a public way located, designed and dedicated for public use.

ROOFS, terms relating to

ROOF: The cover of any building, including the eaves and similar projections.

PARAPET: That part of a wall which extends above the roof line.



SANITARY SEWER: A sanitary sewer system approved by the Trumbull County Sanitary Engineer or other agency for the collection of sanitary waste.

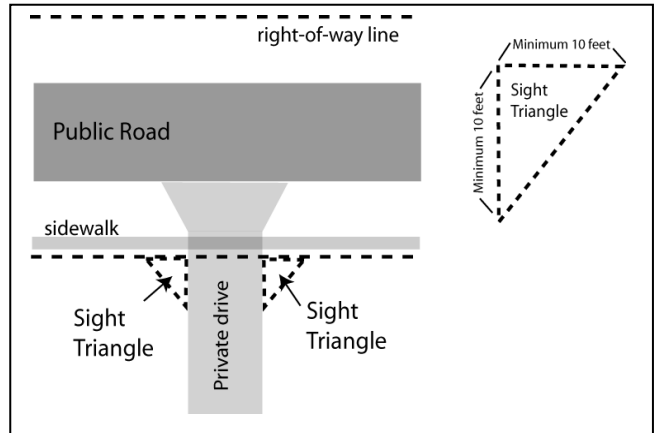
Setbacks – See Lots, Yards, Lines and Setbacks

SHOPPING CENTER: A group of commercial establishments planned and designed for the site on which it is built, functioning as a unit with access drives, off street parking, landscaping and other features

SIGHT TRIANGLE: An area of land at the intersection of streets, or a street and a driveway, within which the location and/or dimensions of signs, fences, or other structures and the installation and maintenance of plants and other landscape features may be regulated by this Resolution for the purpose of promoting safety and clear lines of sight for vehicle drivers.

SIGNS, terms relating to:

BEACON LIGHTING: Any sources of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.



COMMERCIAL BANNER: A temporary commercial sign made of cloth, canvas or other light material, installed and maintained as provided in this Resolution.

COMMERCIAL SPEECH: Expression regarding products or services.

FESTOON LIGHTING: A type of illumination comprised of either a group of incandescent light bulbs hung or strung on a structure.

FLAG: A flag is a piece of fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

HOLIDAY OR SEASONAL DECORATIONS: Signs or displays including lighting which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons.

MOVING DEVICE: A sign or any part thereof which moves or appears to move with the intent or effect of advertising or attracting attention.

MURAL: A large picture or image, including but not limited to painted art, which is painted or constructed, or affixed directly onto a vertical building wall, which do not contain advertising or logos of any kind.

NON-COMMERCIAL SPEECH: Expression of some personal, political, or religious view.

PENNANT STRINGS OR STREAMERS: A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, which or without logo or advertising message printed or painted on them and typically designed to move in the wind.

SIGN: Any name, figure, character, outline, display, announcement or device, or structure supporting the same, or any other device of similar nature designed to attract attention outdoors, and including all parts, portions, units and materials composing the same, together with the frame, background, and supports or anchoring thereof. A sign shall not include any architectural or landscape features that may also attract attention.

SIGN, ALTERATION includes; replacement of a panel, supports, cabinet or other physical elements of a sign or relocation of a sign. Alteration shall not include: repainting, replacement of parts provided that the replacement does not alter the location, type of installation, surface area, height, and normal maintenance

SIGN, ANIMATED: A sign depicting action, motion, or light or color changes through electrical or mechanical means.

SIGN, CHANGEABLE COPY: A sign or portion of a sign with letters, characters, or graphics which are not permanently affixed and which may be modified manually. For the purposes of this Resolution, an Electronic Message Center is not a changeable copy sign.

SIGN, DIRECTIONAL: Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

SIGN, DIRECTORY: A sign that other than an identification sign that list names, uses or locations of the various businesses or activity conducted with a building or a group of buildings that is centrally located and intended to provide on-site directions only.

SIGN, ELECTRONIC MESSAGE CENTER: A sign or portion of a sign whose alphanumeric message can be changed or altered on a fixed display screen composed of electrically or electronically illuminated segments.

SIGN FACE: The area or display surface used for the message.

SIGN, FREESTANDING: A sign located upon the ground or upon an object, post or base located on or affixed to the ground and not attached to a building.



SIGN, GOVERNMENT OR REGULATORY: Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public service indicating danger or construction which are erected by or a the order of a public officer, employee or agent thereof, in the discharge of official duties.

SIGN, HALO ILLUMINATION OR BACK LIT: A sign that contains an indirect source of light which illuminates a sign by shining through or around the surface of a sign and lit from an internal light source

SIGN, INFLATABLE: A sign, parts thereof, or sign supports or other elements supported by air or other gases.

SIGN, INTERACTIVE: An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers

SIGN, LIMITED DURATION: A non-permanent sign that is displayed on private property for more than 30 days, but not intended to be displayed for an indefinite period (Real Estate, For Lease)

SIGN, LOW PROFILE: A freestanding permanent sign which does not exceed eight (8) feet in height and in which the lowest part of the sign face is not more than two (2) feet above the natural or finished grade.

SIGN, MENU BOARD: A free-standing sign oriented to the drive-through lane for a restaurant and advertises the menu items available from the drive through window and which has not more than 20 percent of the total area for such a sign utilized for business identification.

SIGN, OFF PREMISE /BILLBOARD/OUTDOOR ADVERTISING SIGN: A sign that advertises a product or service not offered on the same lot on which the sign is located or which directs attention to an activity not conducted on the same lot where the sign is located but not including an authorized sign expressing non-commercial speech.

SIGN, PERMANENT: A sign which is permanently attached to a structure or to a foundation in the ground and which is constructed, designed, operated and maintained in a manner suitable for continuous exposure to the elements without deterioration, usually for a period of years.

SIGN, REFLECTIVE: A sign containing any material or device which has the effect of intensifying reflected light.

SIGN, ROOF-MOUNTED: A sign placed upon the roof of a building or on any part of a building which is higher than the roof or attached to a building in a manner which locates any part of the sign at an elevation higher than any part of the roof.

SIGN, SIDEWALK OR SANDWICH BOARD OR “A” FRAME: A type of freestanding, portable, temporary sign consisting of two faces connected and hinged at the top and whose message is targeted to pedestrians.

SIGN, SECURITY OR WARNING: An on-premise sign regulating the uses of the premises, such as a “no trespassing,” “no hunting,” or “no soliciting” sign.

SIGN, SNIPE OR BANDIT: A sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects and which is located within the public right-of-way.

SIGN, TEMPORARY: A sign which exhibits any of the following characteristics:

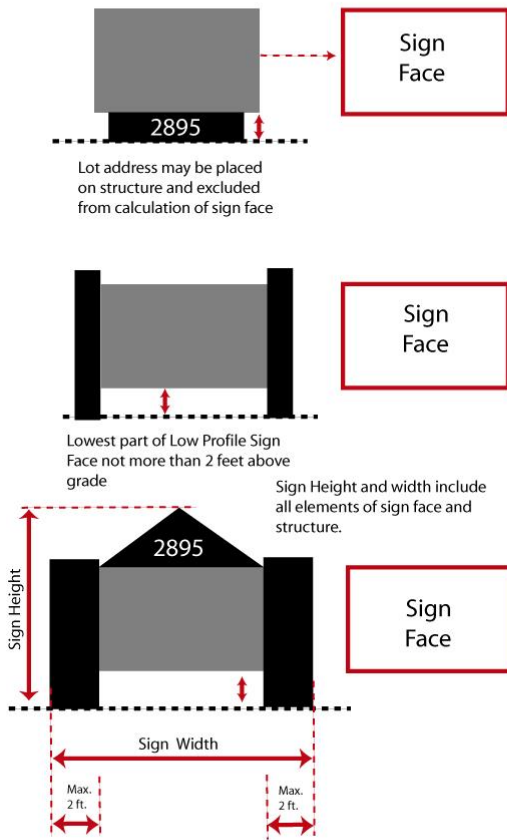
1. authorized for installation for a limited period of time
2. designed, constructed or installed in a manner which is not suitable for permanent display
3. constructed of materials which are not suitable for long term display and not suitable for long term resistance to deterioration from the elements including but not limited to signs constructed of paper, cardboard, untreated wood, light plastics or other materials not sufficiently durable for long term exposure to the elements
4. placed upon or staked to the ground or installed by inserting a post or stake into the ground,
5. a portable sign mounted on a portable frame, but not mounted on a trailer, vehicle, or wheels
6. signs which are mounted upon or otherwise attached to but not permanently painted upon the body surface of a vehicle

SIGN, WALL: A sign attached to the wall of a building or to an awning or canopy.

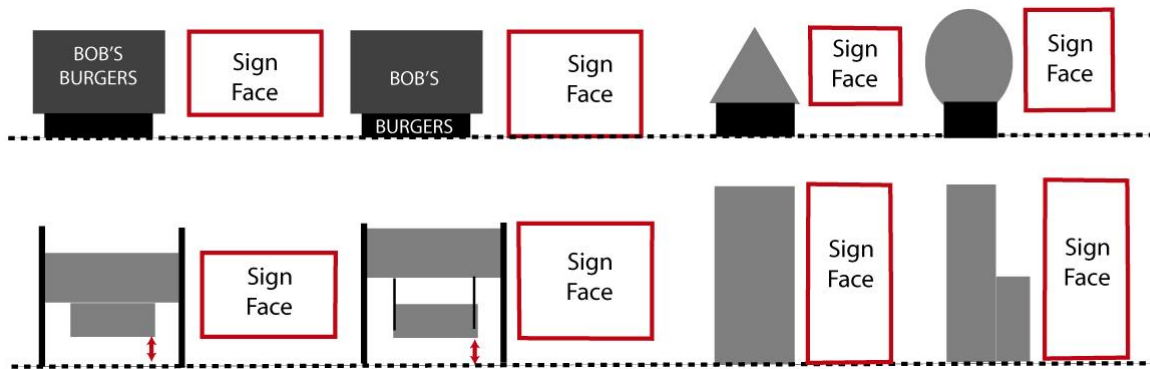
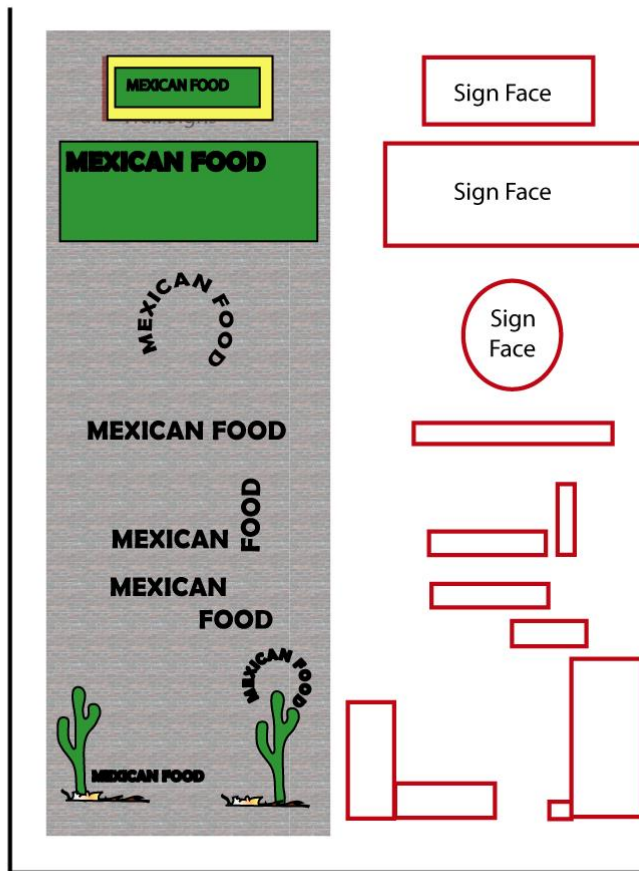
SIGN, WINDOW: Window sign shall mean a sign that is applied or attached to the exterior or interior of a window or located in such a manner within the building that it can be readily seen from the exterior of the building through the window. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

MEASURING SIGN DIMENSIONS

FREESTANDING SIGNS



WALL SIGNS



SKIRTING A weather-resistant material used to enclose the entire perimeter, under the living area of the home, from the bottom of the home to grade.

SOLAR PANEL_A solar photovoltaic panel, or solar hot air or water panel collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

STEEP SLOPES, terms relating to:

EROSION: The wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities.

SEDIMENTATION: The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse or wetland.

SITE DISTURBANCE: Any activity which removes the vegetative cover from the land surface.

SLOPE: The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees; rise over run.

VEGETATIVE COVER: Grasses, shrubs, trees, and other vegetation which hold and stabilize soils.

STOOP: An exterior floor structure, steps, or pavement having a finished elevation at least 6 inches higher than grade and an area not greater than 12 square feet which is used primarily as an access platform and or steps to an entrance of a dwelling. A stoop may include open railings and balusters required to protect pedestrians from falls and to provide support on steps. A covered stoop includes a roof structure not greater than 25 square feet in area which is located above a stoop to protect it from rain and snow.

STRUCTURES AND BUILDINGS, terms relating to

BUILDING: A structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals or chattels.

PRINCIPAL STRUCTURE OR BUILDING, MAIN STRUCTURE OR BUILDING: A structure or building in which is conducted the principal use of the lot on which it is located.

STRUCTURE: Anything constructed or erected, including any building, the use of which requires a permanent or temporary location on the ground or attached to the ground or to something having a permanent location on the ground, including but not limited to advertising signs, billboards, farm markets or roadside stands, fences, swimming pools, shed, garage, satellite dishes, and similar objects and their components.

STRUCTURE, PERMANENT: A structure which is not readily movable and which is used or intended to be used for a period longer than ninety (90) days.

STRUCTURE, TEMPORARY: A structure which is readily movable and used or intended to be used for a period not longer than ninety (90) days or other temporary period set forth by this Resolution or in a zoning permit.

STRUCTURAL CHANGE: Any change in the supporting members of a structure or building such as bearing walls or partitions, columns, beams, or girders, excepting such structural change as may be required for the safety of the building.

TENT: A temporary structure of canvas or other similar material for adult occupancy and is not intended to include a child's play tent.

STRUCTURE, ACCESSORY: - A non-habitable structure detached from and subordinate to the principal use of a lot and located on the same lot including but not limited to storage sheds, garages, workshops, gazebos, cabanas,

greenhouses, carports and other non-habitable structures. Fences and swimming pools are also considered accessory structures⁵¹.

SWIMMING POOL shall mean a water pool constructed of steel, masonry, concrete, aluminum, plastic, or any other material and located out of doors, which as a square foot surface of greater than 100 square feet, a depth of more than eighteen (18) inches⁵².

SWIMMING POOL, PORTABLE shall mean those pools which are not permanently installed; do not require water filtration, circulation, and purification; do not exceed eighteen (18) inches in depth; do not exceed a water surface area of 100 square feet; and do not require braces or supports⁵³.

TELECOMMUNICATION TOWERS, terms relating to:

ALTERNATIVE TOWER STRUCTURE: Man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of towers or antennas.

COLLOCATION: The use of a wireless telecommunication tower and/or attendant facility by more than one wireless telecommunication provider.

FAA: The Federal Aviation Administration, and any legally appointed, designated, or elected agent or successor.

FCC: The Federal Communications Commission, and any legally appointed, designated, or elected agent or successor.

PUBLIC UTILITY: A corporate entity serving the public interest or public concern with regard to providing goods or services of a vital or essential nature for public use or consumption.

TELECOMMUNICATION: The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

TELECOMMUNICATION ANTENNA: The physical device through which electromagnetic, wireless telecommunication signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

TELECOMMUNICATION ATTENDANT FACILITY: A facility consisting of the equipment and structures involved in receiving telecommunication or radio signals from a mobile radio communication source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

TELECOMMUNICATION TOWER: A structure intended to support equipment used to transmit and/or receive telecommunication signals, including monopole, guyed, and lattice construction steel structures.

USE, terms relating to

USE: The purpose for which a building or premises is or may be occupied. In the classification of uses, a “use” may be a use as commonly understood or the name of an occupation, business, activity, or operation carried on, or intended to be carried on, in a building or on premises, or the name of a building, place, or thing which name indicates the use or intended use.

⁵¹ Amended July 21, 2017

⁵² Amended July 21, 2017

⁵³ Added July 21, 2017

USE, ACCESSORY: A use customarily incidental and subordinate to the principal use or building.

USE, COMMERCIAL: A use commonly permitted in commercial zoning districts, such as retail sales, restaurants, and services, especially as distinguished from residential dwelling uses.

USE, CONDITIONAL/CONDITIONALLY PERMITTED USE: A use, other than a permitted use, authorized within a district according to a conditional use permit (conditional zoning certificate) approved by the Board of Zoning Appeals.

USE, INDUSTRIAL: A use commonly permitted in industrial or manufacturing zoning districts, such as factories, shipping, and warehousing, especially as distinguished from residential dwelling uses.

Nonconforming Use, see Nonconformities

USE, PERMITTED: A use permitted in a district “by right”, that is, without special review or approval, provided that the use complies with all applicable provisions and provided that a zoning permit may be required to ensure compliance.

USE, PROHIBITED: A use which is specifically set forth in this Resolution as: (1) prohibited in a specific district; (2) prohibited in all districts; or (3) a use which is not listed as a permitted use or as a conditional use in a specific zoning district.

USE, PRINCIPAL:

PRINCIPAL BUILDING: The building on a lot which accommodates the principal use to which the premises are devoted.

PRINCIPAL USE (PRIMARY USE): A use (excluding accessory uses) which fulfills the fundamental function of a household, establishment, institution or other entity as permitted in the zoning district where the household, establishment, institution or other entity is located.

USE, RESIDENTIAL: A dwelling or a property zoned for dwelling use.

USE, SIMILAR: A use which is not specifically listed in this Resolution which is determined by the Board of Zoning Appeals to be sufficiently similar to listed uses in a district that it should be allowed to be established as provided in this Resolution.

VARIANCE: An area variance or a use variance as provided in this Resolution. Generally, a variance is permission to deviate from the zoning regulations due to special circumstances of a property which circumstances, taken together with the regulations, deprive the property of privileges commonly enjoyed by other properties in the same vicinity. Variances are decided by the Township Board of Zoning Appeals after application, public notice, and other required procedures and according to standards set forth in this Resolution.

VEHICULAR USES AND STRUCTURES, terms relating to:

AUTOMOBILE, TRUCK, AND TRACTOR SALES (NEW OR USED): The sales or leasing of new or used automobiles, trucks, or tractors.

BUSES: The operation, maintenance, storage, or housing of commercial buses or school buses

CARPORIT. A roofed structure not more than fifty percent (50%) enclosed by walls or doors for the purpose of providing shelter to one or more motor vehicles.

FUELING STATION: A place where motor vehicle fuels or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience market or supermarket.

GARAGE: Refers to a building or space used as an accessory to a main building permitted in any residential district and providing for the storage of motor vehicles and in which no business, occupation, or service for profit is in any way conducted.

GARAGE, ATTACHED: A garage which is physically attached to a dwelling, shares a common wall with the habitable part of the dwelling, and can be directly accessed from the habitable part of the dwelling via a doorway. A garage connected to a dwelling by means of an unenclosed space such as a breezeway, porch or similar area which is not part of the habitable area is not an attached garage for purposes of this Resolution.

GARAGE, DETACHED: A garage which is physically detached from a dwelling or other main use on a lot.

GARAGE, PROMINENT An attached garage that projects beyond the front building line of the primary structure and where the garage doors face the roadway.

GARAGE, REPAIR: A building or space for the storage of motor vehicles at which repairs of any kind of motor vehicle is permitted.

JUNK MOTOR VEHICLE: Junk motor vehicle means a motor vehicle that meets all of the following criteria: three model years or older, apparently inoperable and extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine or transmission.

Junk yards, automobile grave yards (including the temporary or permanent storage of unlicensed and/or inoperable vehicles), places for the collection or sale of scrap metal, salvaged automobile parts, paper, rags, glass, junk for salvage or storage purposes, storing old tires, except where this use is an integral part in manufacturing process.

SEMI-TRAILERS: Any vehicle of the trailer type without motive power so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by such other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division, and includes, for the purpose only of registration and taxation under such chapters, any vehicle of the dolly type, such as a trailer dolly, designed or used for the conversion of a semi-trailer into a trailer.

SEMI-TRUCK TRACTOR: Any vehicle with greater than six tires, and a fifth wheel.⁵⁴

TRAILERS: Any vehicle without motive power designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle when formed by or operated as a combination of a semi-trailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, and a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five (25) miles per hour, except a manufactured home and travel trailer⁵⁵.

VEHICLE: Anything on wheels or runners, including motorized bicycles.

VEHICLE RECREATIONAL⁵⁶: Any type of vehicle used primarily for travel and recreational pleasure that is self-propelled, mounted on, or pulled by another vehicle including but not limited to travel trailers, motor homes, truck campers, boats, snowmobiles etc.

⁵⁴ Added July 21, 2017

⁵⁵ Added July 21, 2017

⁵⁶ Added July 21, 2017

A vehicle portable structure designed and constructed to be used as a temporary dwelling for travel, recreational, and vacation uses and being classified as follows:

- a) "Travel Trailer" means a non self-propelled recreational vehicle not exceeding an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and includes a tent type fold out camping trailer as defined in division(s) of ORC §4517.01.
- b) "Motor Home" means a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.
- c) "Truck Camping" means a non self-propelled recreational vehicle, without wheels for road use, and designed to be placed upon an attached to a motor vehicle. Truck camper does not include truck covers that consist of walls and roof but do not have floors and facilities for using same as a dwelling.

VEHICLE WASH: Mechanical facilities for the washing or waxing of private automobiles, light trucks and vans, but not commercial fleets.

WALL: When freestanding and not a part of a building, a constructed solid vertical barrier such as a solid fence. "Wall" also refers to a vertical exterior surface of a building.

WASTE RECEPTACLE: A place or container located outside of a building in which may be temporarily stored waste materials.

Yards – see Lots, Yards, Lines and Setbacks

ZONING AMENDMENT, REZONING: An amendment of this Resolution approved by the Board of Township trustees as provided by the Ohio Revised Code. A zoning amendment may be a change of the text of this Resolution or a change of the Official Zoning Map, also known as a rezoning or map amendment.

ZONING DISTRICT, DISTRICT, ZONE DISTRICT CLASSIFICATION: An area of the Township presently or hereinafter delineated on the Official Zoning Map under the terms of this Resolution for which regulations governing the height, area, uses and other regulations relating to development or use are uniform.

ZONING INSPECTOR: An employee or contractor of Howland Township who is appointed by the Township Trustees to serve as a Zoning Inspector as authorized by the Ohio Revised Code. The responsibilities and authorities of the Zoning Inspector include but are not limited to issuing zoning permits and other activities necessary to administer and enforce the provisions of the Zoning Resolution.

ZONING MAP, OFFICIAL ZONING MAP: The officially adopted and amended map which illustrates the locations of zoning districts throughout the unincorporated areas of Howland Township as authorized by resolutions of the Township Trustees.

ZONING PERMIT, ZONING CERTIFICATE

ZONING CERTIFICATE: A document issued by the Zoning Inspector authorizing the use of lots or structures in accordance with the Howland Township Zoning Resolution.

CONDITIONAL USE CERTIFICATE, CONDITIONAL ZONING PERMIT: A zoning permit issued subject to a conditional use authorization and conditions established by the Zoning Commission.

BUSINESS USE CERTIFICATE: A zoning permit authorizing structures and or uses in business districts as required by this Resolution.

ZONING RESOLUTION: The document or documents, adopted by resolution of the Township Trustees, establishing the zoning regulations applicable to all land within the unincorporated areas of Howland Township.

ZONING COMMISSION: The commission, comprised of Township residents appointed by the Township Trustees, established to serve the zoning functions authorized by the Ohio Revised Code and this Resolution, including but not limited to reviewing and recommending amendments to the Zoning Resolution and to the Zoning Map.

SECTION 26: PLANNED UNIT DEVELOPMENTS (PUD)

Objectives for Planned Unit Developments (PUD):

- A It shall be the policy of the Township of Howland to promote progressive development of the land and construction thereon by encouraging Planned Unit Development(s) (PUD) to achieve:
 - 1 A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre of lots that are to be developed, while maintaining the overall density per acre for the entire Planned Unit Development (PUD) and a reduction in lot dimensions, yards, building setbacks and area requirements as set forth elsewhere in these Resolutions.
 - 2 A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.
 - 3 A development pattern which preserves and utilizes natural topographical and geological features, scenic vistas, trees and other vegetation, and prevents the disruption of natural, drainage patterns.
 - 4. A more efficient use of land than is generally achieved through conventional development, resulting in substantial savings through less requirements for utilities and streets.
 - 5. A development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the Comprehensive Land Use Plan.

The Township of Howland is also prepared to accept a greater population density in undeveloped areas of the total project, provided the population density does not exceed that provided and regulated in other sections of these Resolutions for the total project, and provided the developer can demonstrate that any increment of public cost, clearly attributable to increased densities, will be compensated for by the private amenities and public benefits to be achieved by the plan for development-

1. Provisions Governing Planned Unit Development(s):

Because of the special characteristics of Planned Unit Developments, special provision's governing the development of land for this purpose are required. Whenever there is a conflict of difference between the provisions of this Article and those of the other Articles of these Resolutions, the provisions of this Article shall prevail. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in these Resolutions.

2. Application and Procedure:

Upon approval by the Howland Township Zoning Commission and the Howland Township Board of Trustees, a Planned Unit Development District may be applied to any existing agricultural or residential district. Upon approval of a final development plan, the Official Howland Township Zoning Map shall be annotated for the land use involved, so that the district name includes the notation "PUD". Planned Unit Development Districts shall be approval by the Howland Township Zoning Commission and the Howland Township Board of Trustees in the manner provided in this Section 25 and Ohio Revised Code 519-12.

3. Uses Permitted:

Compatible R-1, R-2, and R-A Residential District, CRD-OI Office Institutional Districts, CRD1/CRD2 Commercial Review Districts, C Commercial Districts, public and quasi-public uses may be combined in "PUD" Districts, provided that the proposed location of the Commercial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare of Howland Township residents. Lot area and other yard requirements of the Residential Districts established in Section 5: Classification of Uses, shall apply except as modified in Paragraph B-9 - Minimum Lot Sizes and B-11 - Height Requirements of this Section 25 (PUD).

The amount of land and type of commercial activities devoted to Commercial uses in a Residential-Commercial development shall be determined by the Howland Township Zoning Commission and approved by the Howland Township Board of Trustees.

4. Minimum Project Area:

The gross area of a tract of land to be developed in a Planned Planned Unit Development (PUD) District shall be a minimum of fifty (50) acres.

When the Planned Unit Development proposes a mixture of residential uses with Office Institutional, Commercial Restricted and/or Commercial Uses, the Howland Township Zoning Commission may limit the development of not more than eight percent (8%) of the tract to non-recreational commercial uses.

5. Project Ownership:

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

6. Common Open Space:

A minimum of twenty percent (20%) of the land developed in any Planned Unit Development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The commercial recreational activities may not be included in the common open space area. The open space shall be disposed of as required in Paragraph B-7 – Disposition of Open Space of this Section 25 of these Resolutions.

7. Disposition of Open Space:

The required amount of common open space land reserved under a Planned Unit Development shall either be held in corporate ownership by owners of their project area for the use of each owner who buys property within the development, or be dedicated to Howland Township Park District and retained as common open space for parks, recreation, and other related uses. All land dedicated to Howland Township must the Howland Township Zoning Commission's requirements as to size, shape, and location. Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication to Howland Township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Howland Township Zoning Commission.

The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan

8. Utility Requirements:

Underground utilities, including telephone and electrical systems, are required within the limits of all Planned Unit Developments. Appurtenances to these systems which can be effectively screened may be

excepted from this requirement if the Howland Township Zoning Commission finds that such exemption will not violate the intent or character of the proposed Planned Unit Development.

9. Minimum Lot Sizes:

- a. Lot area per dwelling unit may be reduced by not more than forty percent (40%) of the minimum lot area required in the Official Schedule of District Regulations. A Planned Unit Development need not conform to the density requirements of Section 5: Classification of Uses, for residential areas that can be developed of the total project, provided the overall project density is not exceeded as provided elsewhere in these Resolutions. A diversification of lot sizes is encouraged.
- b. Lot widths may be varied to allow for a variety of structural designs. It is also recommended that set-backs be varied.

10. Lots to Abut Upon Common Open Space:

Every property developed under the Planned Unit Development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be not more than eight (8) townhouse units in any contiguous group or structure.

11. Height Requirements:

For each foot of building height over the maximum height regulations specified in Section-5: Classification of uses, the distance between such buildings and the side and rear property lines of the Planned Unit Development project area shall be increased by one(1) foot addition to the side and rear yard as required in that district or districts.

12. Parking:

Off-street parking, loading, and service areas shall be provided in accordance with Section 16: Parking Facilities, of these Resolutions. However, off-street parking and loading areas shall not be permitted within twenty (20) feet of any residential use.

13. Perimeter Yards:

Notwithstanding the provisions of this Section 25: PUD, every lot abutting the perimeter of the Planned Unit Development District shall maintain all yard requirements specified in Section 5: Classification of Uses, of these Resolutions for the applicable conventional zoning district.

14. Arrangement of Commercial Uses:

When Planned Unit Development Districts include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planning screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

The plan of the project shall provide for the integrated and harmonious design of buildings, and adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding non-commercial areas.

All areas designed for future expansion or are not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Howland Township Zoning Commission.

15. Pre-Application Meeting:

The developer shall meet with the Howland Township Zoning Inspector prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of these Resolutions, and the criteria and standards contained, herein, and to familiarize the developer with the comprehensive development plan and the parks and public open space plan as may be developed and adopted, the Trumbull County Subdivision Regulations, and the drainage, sewer, and water systems that exist with Howland Township.

16. Application for Approval of PUD District:

An application for approval of PUD District shall be filed with the Howland Township Zoning Inspector pursuant to provisions of the Ohio Revised Code 519.12. At the time of such filing, such developer shall provide ten (10) copies of the development plan for the PUD which shall contain the following information:

- a. Name, address, and phone number of applicant
- b. Name, address, and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan;
- c. Description of existing use;
- d. Zoning districts;
- e. A vicinity map at a scale approved by the Howland Township Zoning Commission showing property lines; street, existing and proposed zoning, and such other items as the Zoning Commission may require to show the relationship of the Planned Unit Development to the Comprehensive Plan and to existing schools and other community facilities and services;
- f. A preliminary development plan at a scale approved by the Howland Township Zoning Commission showing topography at two (2) foot intervals; location and type of residential, commercial land uses; layout, dimensions, and names of existing and proposed streets, right-of-ways, utility easements, parks and community spaces; layout and dimensions of lots and building set-back lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone, and natural gas; and such other characteristics as the Howland Township Zoning Commission deems necessary;
- g. Proposed schedule for the development of the site;
- h. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years and development plan is consistent with Howland Township's statement for PUD'S.
- i. Construction Site Conservation Plan- See Section 7

The application for preliminary Planned Unit Development shall be accompanied by a written statement by the developer setting forth the reasons why, in his opinion , the Planned Unit

Development would be in the public interest, and would be consistent with Howland Township's statement of objectives for Planned Unit Developments in "Objectives for Planned Unit Developments" of Section 25: PUD, of these Howland Township Zoning Resolutions.

17. Expiration and Extension of Approval Period:

The approval of a final development plan for a Planned Unit Development District shall be for a period not to exceed five (5) years to allow for preparation and recording of the required subdivision plat and the development-of the project. If no construction has begun within five (5) years after approval is granted, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Howland Township Zoning Commission finds that such extension or modification is not in conflict with the public interest.

No zoning amendment passed during the time period granted for the approved final development plan shall in any way affect the terms under which approval of the Planned Unit Development was granted.

SECTION 27: RESERVED

SECTION 28: OIL & GAS DRILLING REGULATIONS AND BRINE DISPOSAL

It is the Intent of this section to provide for the regulation of drilling and operation of wells for oil gas or other hydrocarbon In gaseous or liquid form (or brine disposal) within the boundaries of Howland Township, Trumbull County, Ohio and to protect the public's health, safety and welfare from such drilling operations.

No person, firm or corporation shall engage In the drilling, operation, production, plugging, or abandonment of a gas or oil well without obtaining a permit from the Zoning Inspector.

A. Registration Requirements:

1. Not less than fifteen (15) days prior to the proposed start-up of a well site the applicant shall file with the Zoning Inspector:
 - a. An application for a Zoning Permit.
 - b. Road and performance bond In the amount of \$25,000 for Township roads.
 - c. Plat plan drawn to scale, of the Township lot showing the location of:
 - 1) Well site
 - 2) Ingress and egress roads
 - 3) All known water wells within 1500 feet of well
 - 4) Storage tanks
 - 5) Separation units
 - 6) Power shut-offs
 - 7) Transmission lines within 1000 feet of well
 - 8) Oil flow shut-offs
 - 9) Permanent and temporary dikes
 - 10) All dikes and swales for erosion control and spill prevention
 - 11) All structures within 500 feet of well head
 - d. Copies of the following:
 - 1) Drilling permit issued by ODNR.
 - 2) State approved filing of the spill prevention and control plan.
 - 3) State approved brine and waste disposal plan.
 - 4) Proof of Road Bond issued to the Trumbull County Engineer for County roads.

- 5) Certified test results from a State Certified testing laboratory of private water supplies of landowners within 1000 feet of the drilling site before drilling begins.

If the landowner refuses testing of their water well, the driller may be granted a waiver of water testing after verification by the Zoning Inspector.

- 6) List of emergency telephone numbers for all parties responsible for any work on the tract.
- 7) Schedule of proposed starting and completion date of drilling operations.
- 8) Proof of one million dollars (\$1,000,000) liability insurance for all operations related to drilling, production, storage and transmission of all product, by-products and wastes.
- 9) List of all landowners under lease agreements entered into with the drilling company which make up the drilling site/plat map. Such list shall include name, address, and phone number.

B. Road/Highways (includes access roads-and public highways):

1. Storage tanks, separators, well heads or other apparatus shall be located not less than eighty (80) feet from the edge of the right-of-way of any-public highway.
2. Access roads during well drilling and permanent roads to tank batteries shall be a minimum of twelve (12) feet wide and sufficient turnaround-area shall be paved with suitable road materials to prevent mud deposits on public roads and to provide emergency vehicular access during inclement weather.
3. All Township roads used as ingress and egress for the proposed wells shall be jointly inspected by the Howland Township Road Superintendent and the drilling company. After said inspection, the drilling company shall provide a \$25,000 road and performance bond to the Township.
4. Any dirt and/or mud or debris that accumulates on any public highway shall be cleaned off said highway at once by the drilling company.
5. Before any drilling equipment moves onto the property, the Zoning Inspector shall be notified to make an inspection of the driveway.
6. At no time shall an operator move drilling equipment or any equipment in excess of ten (10) tons onto a Township road without prior approval of the Township Road Superintendent, and issuance of proper permits and bonds.

C. Gates and Fences:

1. Storage tanks, separators, well heads or other apparatus shall be enclosed by a six (6) foot high fence. The fence shall be located a minimum of five (5) feet outside of all tanks, pumps, separators and any other miscellaneous apparatus. Sites larger than three hundred (300) square feet shall have two (2) exits remote from each other and all existing gates shall have a minimum opening of four (4) feet. All gates shall be made up of two sections, each being one half of the exit opening size to facilitate orderly and safe fire fighting operations. All fences and gate installations shall be inspected by the authorized inspector before the producing operation commences. All gates, including the drive entrance gate, shall be locked and keyed the same and a key shall be given to the Fire Department. Fences and gates shall be kept in a good state of repair until the well is abandoned and tanks, separators and pump equipment are removed.
2. Access roads shall be adequately fenced and have a gate with a locking device and keyed the same and a key shall be given to the Fire Department. The gate shall be installed at or near the public road entrance to prevent

unauthorized entry from the public road. Gates shall be a minimum of twenty-four (24) feet wide with the anchor posts being set in concrete. Exception to the location of the gate shall be only in the instance when the well access road and the property owners driveway are the same.

In this instance, the gate shall be located where the driveway and the access road no longer are one and the same. No access road to the drilling site shall be nearer than two hundred (200) feet to the intersection of two streets. This gate shall be installed within seventy-two (72) hours maximum after access road/driveway is initially opened.

Before any drilling equipment moves onto the property, the Zoning Inspector shall be notified to make an inspection of the driveway.

D. Signs:

1. Before the start of drilling operations and through the life of the well, a metal sign shall be posted at the access road entrance and on the well site. The sign shall have the following information:
 - a. Owner of well (company, etc.)
 - b. Address
 - c. Phone number
 - d. Emergency phone numbers - 24 hours
 - e. Permit number of well
 - f. State Inspector phone number
 - g. Street number - which would be given by the Zoning Inspector(allows Police and Fire Department to find area when necessary).
2. The company shall continually update the information on the sign. The company shall provide the Zoning Inspector with the name, address, telephone numbers of all person or legal entities responsible for the maintenance and operation of each oil and/or gas well site and shall notify the Township-immediately of any changes in this information. The Zoning Inspector shall forward this information to the Fire and Police Department.

E. Restrictions of Above Ground Equipment:

1. There shall be no above ground equipment erected for or maintained for the drilling, production, transmission or storage or disposal of gas, oil, waste, natural or artificial brines, oil field waters, sewage, or any liquid used in or resulting from any drilling or production of any oil or gas well within fifty (50) feet of any side or rear yard or within-two-hundred (200) feet of an occupied structure or dwelling or within five hundred (500) feet of a potable water well supply.

The two hundred (200) feet requirement from any occupied structure or dwelling may only be waived by the property owner on which the well is located and the waiver only pertains to occupied structures or dwellings on the well site parcel of ground. A copy of the signed waiver shall be submitted to the Township Zoning Inspector.

2. The five hundred (500) foot restriction may be waived if the potable well owner within five hundred (500) feet of the well head signs a waiver of agreement with the drilling company. Copy of said agreement shall be filed

with the Township Zoning Inspector. All potable wells within one thousand (1000) feet of the proposed well head shall be tested with the potable well owner's permission by the drilling company and at the drilling company's expense prior to any on-site drilling. A copy of certified test results from a State Certified testing laboratory of private water supplies shall be filed with the Zoning Inspector. Test to include but not limited to presence of barium, calcium, chloride, iron, magnesium, manganese, nitrogen (total), potassium, sodium, strontium, sulfates, and total dissolved solids.

The drilling company shall locate on the submitted drawings all potable well supplies within one thousand five-hundred (1500) feet of the well head.

3. When a pump-jack is required, the company shall install an electric motor in lieu of a gas motor.

F. Blow-Out Preventer:

During a drilling of a well, the applicant shall install a blow-out preventer with a remote manual preventer control for in shutting down the system. The blow-out preventer must be in good working condition and of sufficient size and rating to control such hydrostatic pressure as would be expected for the deepest pool to be penetrated. Such blow-out preventer must be installed on the surface casing prior to drilling below the surface casing.

G. Spill Prevention - Dikes - Pits:

1. Any applicant for gas and/or oil well or a brine disposal well whose proposed well shall be within two thousand (2000) feet of any lake or pond, whether natural or man-made, river, stream, creek or other such bodies or surface water within Howland Township, shall indicate the same on such form as the Zoning Inspector may require. It shall be the responsibility of the applicant to assure that any said body of water shall not be exposed during drilling, fracturing, production, and operation of the well to any danger or erosion, siltation, pollution, contamination, or alteration.

Contingency plans shall be made to avoid contamination of the above waters in the event that any oil, gas, brine, waste, toxic material or other such contaminant spills during the drilling, production or abandonment of any oil and/or gas well, whenever any well site is proposed to be located within two thousand (2000) feet of the above, the applicant shall submit with the application a proposed procedure to control spills and reduce the risk of contamination.

2. Whenever pits are required, prior to drilling the well, the drilling company shall install a pit liner, being a minimum of one ten (10) oil thickness. The liners shall be installed in all pits used to confine drilling fluids from the well and at no time shall the holding pit contain more than two-thirds (2/3) of the amount of fluid the pit is capable of holding. When the pit obtains a fluid level of two-thirds (2/3) capacity, the fluid shall be removed and dispensed of in the designed matter.
3. For the health and safety of Township residents, a system of dikes shall be installed around all tank sites and separators. The size and design of such dikes shall be sufficient to contain at least one hundred thirty-three percent (133%) of the material stored in the tanks and separators within the dike. Before production begins, the Zoning Inspector and Fire Chief must approve the installation of the completed dike system.

H. Transmission Lines:

All buried transmission lines crossing or intersecting any public road shall be bored and shall be marked by a permanent marker on both sides of the road in a location and format acceptable to the Township Road Superintendent. The minimum depth of such lines below perennial or intermittent streams and ditches shall be established by the Township Road Superintendent and Zoning Inspector prior to excavation to install such lines. The applicant shall also coordinate the laying of transmission lines with all public utilities servicing the Township. Transmission lines under roadways shall be a minimum of thirty-six (36) inches below the surface and shall be at least fifteen (15) feet from any property lines and shall require a standard Township road bore permit.

I. Completion of Well:

After conclusion of the drilling stage, and upon the date when notice is required to be given to the Township of the commencement of production, the applicant shall remove all drilling equipment, temporary tanks and other materials not intended to be permanently placed at well site.

J. Landscaping of Well Site:

1. All wells shall have a buffer, as defined in Section 24 of the Township Zoning Resolutions, around the entire fenced in area except where gate openings are required as defined in Section 24 of the Township Zoning Resolutions. A buffer shall not be required in "I" Industrial and Manufacturing, except when abutting residential use.
2. All disturbed areas are to be fine-graded, seeded and mulched upon completion of drilling and fracturing operation. Between November 1 and March 1, fine mulch only. Temporary mulch is to be removed in areas dressed, seeded and mulched after March 1. Weather permitting, all grading required herein shall be completed within fourteen (14) days after completion of drilling, and all landscaping required herein shall be completed within ninety (90) days after completion of drilling.
3. In no event shall grading and landscaping required in this section be completed in excess of one hundred eighty (180) days after completion of drilling.

K. Abandoned/Plugged Wells:

1. All storage tanks, apparatus, and other equipment located above ground at a well site shall be removed and abandonment completed within one hundred eighty (180) days after a well stops producing commercially and the ground shall be restored, to the extent possible, to its original condition prior to drilling of said well, within said one hundred eighty (180) day period.
2. The applicant shall provide the Zoning Inspector with a copy of plug/abandonment permit.

L. Shut-In Wells:

In the event an applicant at any time determines to shut-in a producing well, the applicant shall notify the Zoning Inspector of the length of time said well is expected to be shut-in and shall further notify the Zoning Inspector when the well again will be productive.

M. Maintenance of Producing Well:

The applicant shall at all times maintain, repair, repaint and replace any storage tank on the drilling unit and shall adequately maintain, repair and replace all fences required under the Zoning Resolution. In the event that the applicant fails to maintain, repair or replace any fence, tank, dike, or any other structure or apparatus contained on the drilling unit for the purpose of oil and gas well drilling, production or transmission, the same shall be a violation of this Zoning Resolution and the Zoning Inspector may order the applicant to shut down and cap any producing well or seek any remedies otherwise available to the Township.

N. Severability:

Any part of this section which is superseded by any section of the Ohio Revised Code or any rule or regulation promulgated there under, shall not effect the validity of any other portion of this chapter.

SECTION 29: ADULT ENTERTAINMENT BUSINESS REGULATIONS⁵⁷

A. Purpose:

Howland Township has adopted Adult Entertainment Business Regulations as specified herein in order to protect the public health, safety, and welfare, by minimizing negative secondary effects known to be associated with Adult Entertainment Businesses (see Section 24, Definitions) such as the spread of communicable diseases; reduction in property values; diminishing of the character and quality of residential neighborhoods; increase in crime; degeneration of social and moral order; and the diminishing or destroying the use of public facilities, particularly those facilities used by children or those used for religious purposes.

These regulations are designed to permit adequate opportunity for the expression of constitutionally protected free speech associated with Adult Entertainment Uses, while protecting the public interest.

B. Precedence of Adult Entertainment Business Regulation Requirements:

Where there is a conflict between the requirements of this Section and any other Section of these Howland Township Zoning Resolutions, the requirements of this Section shall prevail.

C. Status of Adult Entertainment Businesses:

Adult Entertainment Businesses shall be considered to be Conditionally Permitted Uses and shall require a Conditional Zoning Certificate issued by the Howland Township Board of Zoning Appeals at public hearing in accordance with the requirements specified herein.

D. Location, Design, and Spatial Requirements:

1. **Locational Requirements:** Adult Entertainment Businesses may only be located within "I" (Industrial and Manufacturing) zoning districts.
2. **Design Requirements:** Adult Entertainment Businesses shall be required to meet all "I" Industrial and Manufacturing zoning district building and parking set-backs, green space, and sign requirements.
3. **Spatial Requirements:** No building or property occupied by an Adult Entertainment Business may be located closer than five hundred (500) feet to a residence, residential subdivision, residentially zoned land, church, school, public playground, public park, library, government office, or another Adult Entertainment Business.

E. Permit Application Requirements:

An application for an Adult Entertainment Business Conditional Zoning Certificate shall include the following:

1. Name and address of the applicant.
2. Name and address of the property owner (if different from the above).
3. Name and proposed location of the Adult Entertainment Business.
4. Complete and specific description of the activities that will be involved in the proposed business.
5. A site plan of the project shall be submitted designating the following: the location(s) of existing and proposed structure(s); parking areas (including spaces and drive aisles); points of ingress and egress; setbacks and lot

⁵⁷ New Section effective 02/10/2001

building dimensions; the location and dimensions of any wall or ground mounted signage; dumpster locations; a summary table providing acreage, building coverage, green space, and parking details.

6. The fee for the public hearing shall be three hundred dollars (\$300.00) and shall be submitted at the time that application is made.

F. Application Process:

Upon submittal of a complete application package, as specified above, a public hearing will be scheduled before the Howland Township Board of Zoning Appeals for the purpose of considering the proposed project. The public hearing will be scheduled for next available regular meeting date of the board.

SECTION 30: TELECOMMUNICATION TOWERS AND FACILITIES⁵⁸

30.01	Purpose
30.02	Applicability
30.03	Notification Procedures
30.04	Application For Conditional Zoning Certificate
30.05	Removal Of Tower And Facilities
30.06	Definitions

30.01 PURPOSE

In order to protect the health, safety, and welfare of the public without unreasonably interfering with the development within the telecommunications marketplace, this section will regulate the placement, construction, modification, and removal of telecommunication towers, their premises, and attendant facilities in areas zoned for residential use in the unincorporated areas of Howland Township. Specifically, the objectives of this resolution are to:

- A. Regulate the location of telecommunication towers and attendant facilities in Howland Township;
- B. Protect residential areas and land uses from potential adverse impact of telecommunication facilities;
- C. Minimize the adverse visual impact of telecommunications facilities through careful design, placement, landscaping, and use of innovative alternative tower structures or camouflaging techniques;
- D. Promote and encourage collocation of telecommunication towers and antenna support structures as a primary option rather than construction of additional, single-use towers;
- E. Promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new tower structures to support telecommunication facilities;
- F. Avoid potential damage to property caused by telecommunication facilities by ensuring such structures are soundly and carefully designed, placed, constructed, modified, and removed when no longer used or are determined to be structurally unsound; and
- G. Ensure that the telecommunication facilities are compatible with surrounding land uses.

30.02 APPLICABILITY

The provisions of this zoning resolution and the *Ohio Revised Code*, Sections 519.02 through 519.25 shall apply to all telecommunication towers and their attendant facilities to the extent permitted in the *Ohio Revised Code*, Section 519.211 or any amendment or successor statute thereto permitting regulation of telecommunication towers, structures, and/or devices. This resolution and the aforementioned Sections of the *Ohio Revised Code* shall become applicable upon an objection properly lodged by either a property owner or a Howland Township Trustee pursuant to the procedure, requirements, and specified time periods provided in the *Ohio Revised Code*, Section 519.211. Additionally, all premises and attendant facilities shall be maintained consistent with the *Howland Township Property Maintenance Code* and all applicable sections of the *Howland Township Zoning Resolutions*.

30.03 NOTIFICATION PROCEDURES

Any person who plans to construct a telecommunication tower in an area subject to *Howland Township Zoning Resolutions* shall provide written notice of their intent to the Howland Township Board of Trustees and the requisite property owners pursuant to the notification procedures and requirements as prescribed by the *Ohio Revised Code*, Section 519.21, or any amendment or successor statute thereto.

⁵⁸ Definitions removed, reformatted January 11, 2014

In the event that objections are properly lodged by either the notified property owners or a member of the Howland Township Board of Trustees within the time periods specified by law, the owner/operator or person who plans to construct the telecommunication tower shall submit an application to the Howland Township Board of Zoning Appeals for review and approval of a Conditional Zoning Certificate for the proposed construction.

30.04 APPLICATION FOR CONDITIONAL ZONING CERTIFICATE

The following shall be the criteria for review and approval of a Conditional Zoning Certificate by the Howland Township Board of Zoning Appeals:

- A. Submission Requirements. For purposes of overall review, the submitted plans for the telecommunication tower and attendant facilities shall include:
1. Plans indicating site location and detail in proximity to residential dwellings.
 2. An inventory of existing telecommunication towers, antennas, or sites planned and/or approved for telecommunication towers or antennas, that are either within the unincorporated areas of Howland Township or within two miles of the border thereof, including specific information regarding the location, height, and design of each tower.
 3. Elevations indicating the height, width, and style of the tower.
 4. Plans and elevations indicating the size, dimensions, and appearance features of the attendant facility (or facilities).
 5. Proposed landscape plan showing existing and proposed trees, landscaping, and screening.
 6. Access roads shall be indicated on all plans, in addition to type of material (if applicable) to be used in construction.
 7. Letter indicating efforts concerning collocation and innovative alternative tower structures for camouflaging.
 8. Owners and/or operators of towers or antennas shall submit copies of all franchises, certifications, licenses, and permits required by law for the design, construction, location, and operation of telecommunication towers and antennas. Owners and/or operators shall be required to maintain same and to provide evidence of renewal or extension thereof when granted.
- B. Development Standards. The applicant shall be required to meet the following minimum development standards for a telecommunication tower and attendant facilities:
1. *Tower Color and Finish.* Towers shall either maintain a non-contrasting gray or similar color, or shall have a galvanized steel finish unless otherwise required by any applicable standards of the Federal Aviation Administration (FAA) and the Ohio Department of Transportation (ODOT).
 2. *Compatible Design.* The design of all attendant facilities, buildings, and related structures shall use materials, colors, textures, and screening so as to be aesthetically and architecturally compatible with the surrounding environment.
 3. *Antenna Color.* If an antenna is installed on a structure other than a tower, the antenna and supporting electrical mechanical equipment must be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 4. *Lot Size and Setbacks.* All telecommunication towers and antennas shall be setback a minimum of 100 feet from all property lines. Guys, attendant facilities, and/or accessory buildings must satisfy the minimum zoning district setback requirements. The dimensions of the entire lot shall control, even though the antennas or towers may be located on lease parcels within such lot.
 5. *Fencing.* All fencing shall utilize wood, or other decorative materials consistent with the *Howland Township Zoning Resolutions.*
 6. *Landscaping.* Natural-looking, six-foot tall, opaque buffer areas shall be established along the periphery so as to effectively screen the tower compound and facilities.
 7. *Lighting.* Telecommunication towers and antennas shall not be artificially lit, unless required by the FAA or other applicable authority.
 8. *Structural Requirements.* The applicant shall show via written certification that the proposed

telecommunication tower, antenna, and attendant facilities meet all accepted and applicable building and structural codes regulating the construction of telecommunication towers and attendant facilities, as may be published by the Electronics Industries Association, as amended on occasion.

9. *Signs.* No signs shall be permitted on any tower or antenna, except for a sign indicating the emergency contact phone number.
10. *Knox Box.* A Knox Box system shall be utilized for Fire Department access.

- C. *Additional Information.* The applicant may also be required to submit additional information as requested by the Howland Township Board of Zoning Appeals so as to ensure that the plans for a proposed telecommunication tower and attendant facilities is not injurious, damaging, or detrimental to adjacent and nearby property and property owners, and to ensure that the overall spirit and intent of residentially zoned areas and the resolutions governing such districts are preserved.

30.05 REMOVAL OF TOWER AND FACILITIES

- A. *Cease of Use.* All providers utilizing telecommunication towers shall present a report to the Howland Township Board of Trustees notifying them of any tower facility located in Howland Township whose use will be discontinued and the date that this use will cease.
- B. *Structurally Unsound.* If, upon an inspection, the Township or County concludes that a telecommunication tower, antenna, or facility fails to comply with applicable building and structural codes and standards, and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for Howland Township to remove the facility, or contract to have it removed and assess the costs incurred to the owner(s)/operator(s).
- C. *Discontinuation.* If at any time the use of a telecommunication tower, antenna, or attendant facility is discontinued for 180 days, the Howland Township Board of Trustees may declare the facility abandoned. The Board of Trustees will send written notification to the facility's owner(s)/operator(s) of its decision and instruct the owner(s)/operator(s) to either re-activate the facility's use within 180 days, or dismantle and remove it. If re-activation or dismantling does not occur, Howland Township may either remove the facility, or contract to have it removed and assess the costs incurred to the owner(s)/operator(s).
- D. *State or Federal Requirements.* All telecommunication towers must meet or exceed current standards and regulations of the FAA, the Federal Communications Commission (FCC), and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers, antennas, and/or attendant facilities governed by these resolutions shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers, antennas, and attendant facilities into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower, antenna, or facility by Howland Township, or contract to have it removed and assess the costs incurred to the owner(s)/operator(s).

30.06 DEFINITIONS FOUND IN DEFINITION SECTION OF THIS RESOLUTION.

SECTION 31: STEEP SLOPE REGULATIONS⁵⁹

31.01	Purpose
31.02	Delineation
31.03	Definitions
31.04	Application Requirements
31.05	Performance Standards
31.06	Administration
31.07	Costs

31.01 PURPOSE

The purpose of this Section is to reduce damage to streams and lakes from the consequences of excessive and improper construction, erosion, storm water runoff, or effluent from improperly sited sewage disposal systems, and to preserve the natural topography, drainage patterns, vegetative cover, scenic views, wildlife habitats, and to protect unique natural areas.

31.02 DELINEATION

This Section shall apply to all unincorporated areas of Howland Township with an existing or proposed, natural or man made, slope of fifteen percent (15%) or greater.

31.03 DEFINITIONS FOUND IN THE DEFINITION SECTION OF THIS RESOLUTION

31.04 APPLICATION REQUIREMENTS

- A. Uses that will cause site disturbance must show the area subject to site disturbance in two-foot (2') contours.
- B. An engineering plan will be prepared by a licensed Professional Engineer that shows specific methods that will be used to control soil erosion and sedimentation, soil loss, and excessive storm water runoff, both during and after construction.
- C. A hydrology, drainage, and flooding analysis will be included that shows the effect of the proposed development on water bodies and/or wetlands in the vicinity of the project.
- D. A grading plan for the construction site and all access routes will be prepared.
- E. All plans must also be designed and approved in conjunction with and in compliance with *Howland Township Home-Rule Resolution 2005-07: Erosion and Sediment Control (ESC) Regulations*.

31.05 PERFORMANCE STANDARDS

- A. Existing natural and topographic features, including vegetative ground cover, will be preserved to the greatest extent possible. In the event that extensive amounts of vegetation are removed, the site shall be replanted with indigenous vegetation and shall replicate the original vegetation as much as possible.
- B. The grading cut and fill should not exceed a 2:1 ratio, and all slopes must meet the following criteria:
 1. Slopes between 2:1 and 4:1 must be planted with native, non-invasive, maintenance-free vegetation. These slopes may not be greater than ten (10) feet in height without a minimum five-foot (5') wide vertical bench at a maximum one percent (1%) slope. Adjacent parking to these slopes must have a six-inch (6") barrier curb for heights less than five (5) feet and guardrail and curb for heights in excess of five (5) feet.

⁵⁹ Section Effective Dec 2007; Definitions Removed, Reformatted January 11, 2014

2. Slopes between 4:1 and 6:1 must be planted with native, non-invasive, maintenance-free vegetation if they exceed ten (10) feet. These slopes may not be greater than fifteen (15) feet in height without a minimum five-foot (5') wide vertical bench at a maximum one percent (1%) slope. Adjacent parking must have a six-inch (6") barrier curb regardless of slope height.
 3. Adjacent parking to slopes less than 6:1 will require a six-inch (6") barrier curb for heights greater than twenty (20) feet and guardrail with curb for heights of thirty (30) feet or greater.
- C. No section of any driveway may exceed a ten percent (10%) slope for residential subdivisions or an eight percent (8%) slope for non-residential site plans.
- D. No structure shall be built on an extremely steep slope (greater than 25% prior to site disturbance).

31.06 ADMINISTRATION

In addition to compliance with the regulations set forth in this Section, a Conditional Zoning Certificate from the Howland Township Board of Zoning Appeals shall be required in accordance with the following pertinent procedures:

- A. A Conditional Zoning Certificate shall be granted by the Board of Zoning Appeals upon a finding that the proposed use is consistent with the intent of this Section, and following receipt of a review and recommendation of a professional with expertise deemed necessary by the Board.
- B. The applicant must demonstrate that no alternatives are available for the productive use of areas outside of the areas with steep slopes, that no practicable alternatives exist to the proposal under consideration, and that all measures have been taken to minimize the impact that construction activities will have upon the District.

31.07 COSTS

All costs pertaining to the consideration of an application, including consultants fees, on-site inspections, environmental impact studies, notification of interested persons, and other costs shall be borne by the applicant and paid prior to the Board of Zoning Appeals' final action.