Howard Township
Knox County, Ohio
Zoning Resolution

JULY 30, 2023

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Article 1: General Provisions

1.1 Purpose

The purpose for zoning in Howard Township, Knox County, Ohio, shall be as established under Section 519.02 of the Ohio Revised Code (ORC), except as otherwise provided by law.

1.2 Title

This resolution shall be known and may be cited as the “Howard Township Zoning Resolution", and may be referred to herein as this “resolution” or this “zoning resolution”.

1.3 Authority

This resolution establishes the township’s zoning regulatory authority as authorized by the ORC.

1.4 Jurisdiction

(A) General Jurisdiction

The provisions of this resolution shall apply to all land, development, use of structures or land, or portions thereof, within the unincorporated areas of Howard Township, Knox County, Ohio, as allowed by the ORC.

(B) Zoning of Annexed Lands

Upon annexation of land from Howard Township into a municipal corporation, the zoning regulations then in effect shall remain in full force and shall be enforced by the Zoning Inspector and other township officials until the legislative authority of said municipal corporation shall either officially adopt the existing zoning regulations or new regulations for such land.

1.5 Interpretation and Conflicts

(A) For purposes of interpretation and application, the provisions of this zoning resolution shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity or general welfare as allowable by law.

(B) When the provisions of this zoning resolution are inconsistent with one another or with the provisions found in another adopted resolution, the more restrictive provision shall govern.

(C) Where this zoning resolution imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations or resolutions, the provisions of this zoning resolution shall control provided it does not conflict with the ORC and federal law.

(D) Where references are made to Ohio Department of Transportation (ODOT) location and design manuals, such references shall be to the most recent edition of such manuals as published by ODOT.

(E) Whenever any provision of this resolution refers to or cites a section of the Ohio Revised Code or the Ohio Administrative Code (OAC), and that section is later amended or superseded, this resolution shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.6 Relationship with Third Party Private Agreements

(A) This zoning resolution is not intended to interfere with or abrogate any third-party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, wherever this zoning resolution proposes a greater restriction upon the use of buildings, structure, or land, upon the location or height of buildings or structures, or upon requirements for open areas than those imposed or required by such third-party private agreements, the provision of this zoning resolution shall govern.

(B) In no case shall the township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties unless the township is involved as a party to the agreement.

1.7 Compliance Required

(A) Except as hereinafter specified, no building or structure shall be located, constructed, erected, reconstructed, enlarged, changed, moved, maintained, or used, and no land shall be used in violation of this resolution or in a manner that does not comply with all of the regulations established by this resolution for the applicable zoning district and development.

(B) It shall be unlawful for an owner to use or to permit the use of any structure, building, land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a zoning certificate is issued by the Zoning Inspector in accordance with this resolution. Such certificate shall state that such building, premises or part thereof, and the proposed use thereof, is in conformity with the provisions of this zoning resolution.

(C) Existing uses, lots, buildings, and structures that do not comply with this resolution will be subject to the nonconformity provisions of Article 11: Nonconformities.

1.8 Severability

(A) If any court of competent jurisdiction invalidates any provision of this zoning resolution, then such judgment shall not affect the validity and continued enforcement of any other provision of this zoning resolution.

(B) If any court of competent jurisdiction invalidates the application of any provision of this zoning resolution to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.

(C) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

1.9 Effective Date and Authentication

(A) This resolution originally became effective on November 4, 1980.

(B) Any amendments to this zoning resolution shall be in full force and effect as provided in the ORC.

(C) The Township Fiscal Officer is hereby ordered and directed to certify the passage of this resolution, or any amendment thereto.

(D) Pursuant to ORC Section 519.12, within five working days after any zoning amendment's effective date, the Board of Township Trustees shall file the text and/or map amendment in the office of the Knox County Recorder and with the Knox County Regional Planning Commission.

1.10 TRANSITIONAL RULES

(A) Violations Continue

Any violation of the Knox County Zoning Resolution that applied to a use, structure, property, development, construction, or other activity, prior to the adoption or amendment of this zoning resolution, shall continue to be a violation under this zoning resolution and is subject to penalties and enforcement under Article 12: Enforcement and Penalties, unless the use, structure, property, development, construction, or other activity complies with the provisions of this zoning resolution.

(B) Nonconformities Continue

(1) Any legal nonconformity that existed under the Knox County Zoning Resolution prior to the adoption of this zoning 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 version of the resolution continues to exist.

(2) If a legal nonconformity under the Howard County Zoning 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 regulations pertaining to nonconformities.

(C) Approved Projects

(1) Any building, structure, or development for which a zoning certificate was issued prior to the effective date of this zoning resolution may, at the applicant's option, be completed in conformance with the issued permit and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this zoning resolution. Such building, structure, or development shall be considered a legal nonconforming use, if applicable, upon the issuance of a certificate of occupancy from the applicable building code review authority.

(2) If the building, structure, or development is not completed within the time allowed under the original building permit or any extension granted thereof, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this zoning resolution.

(3) Any application for a project where the zoning certificate has expired shall meet the standards in effect at the time the application is resubmitted.

(D) Vested Rights

The transitional rule provisions of this subsection are subject to Ohio's vested rights laws.

1.11 RESTORATION OF UNSAFE BUILDINGS

Except as provided in Article 11: Nonconformities, nothing contained in this resolution shall hinder the construction of a building or prohibit its use where construction has started before the effective date of this resolution provided that foundations have been put in place before said effective date of this resolution and provided further that such building shall be completed within two years from the date of passage of this resolution.

1.12 REPEAL

This zoning resolution may be repealed in accordance with the provision established in Section 519.25 of the ORC.

1.13 Use Of Graphics, Tables, Illustrations, Figures, and Cross-References

(A) Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.

(B) In some instances, cross-references between articles, sections, and subsections are provided that include the article, section, or subsection number along with the name of the referenced article, section, or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.

(C) A table shall be considered text for the purposes of this resolution unless specifically identified as a figure.

1.14 Burden of Proof

(A) The burden of demonstrating that an application, development, or use of land or structures subject to this resolution complies with applicable review and approval standards is on the applicant.

(B) Such burden of proof shall also apply to demonstrating that the nonconformity was established legally under a previous amendment of this resolution.

(C) The burden is not on the township or other parties to demonstrate that the standards have been met by the applicant or person responsible for the application, development, use of land or structure, or nonconformity with this resolution.

Article 2: Administration

2.1 PURPOSE

The purpose of this article is to identify the roles and responsibilities of various elected and appointed boards, and the duties of township staff, in the administration of this zoning resolution. This article also includes the review procedures for zoning text and map amendments, zoning certificates, appeals, conditional uses, and variances.

2.2 SUMMARY OF REVIEW AND DECISION MAKING-BODIES

(A) Table 2-1 summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in this article. Other duties and responsibilities of the entities are set forth in subsequent sections of this article.

(B) Even though not referenced in this table, other boards, commissions, government agencies, and non-government agencies may be asked by the Zoning Inspector, the Howard Township Zoning Commission, the Howard Township Board of Zoning Appeals, or the Howard Township Board of Trustees, to review some applications, including, but not limited to, map amendments (rezonings), text amendments, planned unit developments, appeals, variances, and conditional uses. This includes the review authority granted to the Knox County Regional Planning Commission pursuant to the ORC as noted in Section 3.5: Zoning Text or Map Amendment.

TABLE 2-1: SUMMARY TABLE OF DECISIONS

H = Hearing (Public Hearing Required) M = Meeting (Public Meeting Required)		R = Review and/or Recommendation D = Decision (Responsible for Final Decision)			
Procedure	**Section**	**Board of Trustees**	**Zoning Commission**	**Board of Zoning Appeals (BZA)**	**Zoning Inspector**
Zoning Certificate	3.4				R and D
Zoning Text or Map Amendment	3.5	H and D	H and R		R
Planned Unit Developments	See Article 5: Planned Unit Development (PUD) District.				
Conditional Use	3.6			H and D	R
Variance	3.6			H and D	R
Appeals	3.7			H and D	**[1]**

NOTES:
[1] The Zoning Inspector or other staff shall forward all records of their decision to the BZA including any staff report or summary that provides a history of actions and decisions made in relation to the appealed action.

2.3 BOARD OF TRUSTEES

For the purpose of this zoning resolution, the Howard Township Board of Trustees, that may be hereafter referred to as the Board of Trustees, shall have the following duties:

(A) Initiate proposed amendments to the text of this zoning resolution and/or the official zoning map;

(B) Review and decide on all proposed amendments to the text of this zoning resolution and/or the official zoning map;

(C) Review and decide on all proposed PUD plans as established in Article 5: Planned Unit Development (PUD) District; and

(D) Perform all other duties as specified in the ORC and as specified in this zoning resolution.

2.4 ZONING COMMISSION

The Board of Trustees, for the purpose and intent of this zoning resolution, has hereby created and established the Howard Township Zoning Commission that may be hereafter referred to as the Zoning Commission.

(A) Appointment and Organization

(1) The Zoning Commission shall be composed of five members who reside in the unincorporated area of Howard Township, Knox County, Ohio, to be appointed by the Board of Trustees.

(2) Members shall serve five-year terms with the term of one member expiring each year.

(3) Each member shall serve until his or her successor is appointed and qualified.

(4) Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause, by the Board of Trustees. Such removal may take place after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail or by leaving same at his or her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

(5) All complaints alleging non-performance of duty, misconduct in office, or other cause that may justify removal of a Zoning Commissioner shall be presented, in writing, to the Board of Trustees. If upon receipt of said written complaint the Board of Trustees determines that the allegations so justify, the Board shall proceed with a public hearing as set forth herein.

(6) Vacancies shall be filled by appointment by the Board of Trustees and shall be for the time remaining in the unexpired term.

(B) Alternates

(1) The Board of Trustees may appoint up to two alternate members to the Zoning Commission for a term of two years each.

(2) An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission.

(3) An alternate member shall meet the same appointment criteria as a regular member.

(4) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for and provided the member attended all pertinent public meetings or hearings.

(5) When a vacancy occurs, alternate members do not automatically become full members of the Zoning Commission. Alternate members have to be appointed to replace a full member upon a vacancy.

(C) Roles and Powers

(1) The Zoning Commission shall have the authority to initiate proposed amendments to the text of this zoning resolution and/or the official zoning map.

(2) The Zoning Commission shall have the authority to review all proposed amendments to the text of this zoning resolution and/or the official zoning map and make recommendations to the Board of Trustees.

(3) The Zoning Commission shall review all PUD plans and make recommendations to the Board of Trustees in accordance with Chapter Article 5: Planned Unit Development (PUD) District.

(4) The Zoning Commission shall perform all other duties as specified for township zoning commissions in the ORC and as specified in this zoning resolution.

(D) Organization and Bylaws

(1) At either the first meeting or the last regular meeting of each year, the Zoning Commission shall elect a Chairperson who shall serve for a one-year term. The Zoning Commission may also elect a Vice-Chairperson. During the temporary absence of the Chairperson, the Vice-Chairperson, where elected, shall fulfill the duties of the Chairperson.

(2) The Zoning Commission may organize and adopt bylaws for its own governance provided they are consistent with state law and with any other resolution of the township.

(E) Meetings

(1) Meetings shall be held at the call of the Chairperson, or at the call of any two members, and at such other times as the Zoning Commission may determine.

(2) All meetings shall be open to the public, except as exempted by law.

(3) The Zoning Commission shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record, unless exempted by law, and be immediately filed in the office of the Board of Trustees.

(F) Quorum and Recommendations or Decision

(1) Any combination of three or more regular or alternate members of the Zoning Commission shall constitute a quorum.

(2) The Zoning Commission shall act when three members, who are eligible to vote, concur on a recommendation or decision.

2.5 Board of Zoning Appeals (BZA)

The Board of Trustees, for the purpose and intent of this zoning resolution, has hereby created and established the Howard Township Board of Zoning Appeals that may be hereafter referred to as the BZA.

(A) Appointment and Organization

(1) The BZA shall be composed of five members who reside in the unincorporated area of Howard Township, Knox County, Ohio, to be appointed by the Board of Trustees.

(2) Members shall serve five-year terms with the term of one member expiring each year.

(3) Each member shall serve until his or her successor is appointed and qualified.

(4) Members of the BZA shall be removable for non-performance of duty, misconduct in office, or other cause, by the Board of Trustees. Such removal may take place after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail or by leaving same at his or her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

(5) All complaints alleging non-performance of duty, misconduct in office, or other cause that may justify removal of a member of the BZA shall be presented, in writing, to the Board of Trustees. If upon receipt of said written complaint the Board of Trustees determines that the allegations so justify, the Board shall proceed with a public hearing as set forth herein.

(6) Vacancies shall be filled by appointment by the Board of Trustees and shall be for the time remaining in the unexpired term.

(B) Alternates

(1) The Board of Trustees may appoint two alternate members to the BZA for a term of two years each.

(2) An alternate member shall take the place of an absent regular member at any meeting of the BZA.

(3) An alternate member shall meet the same appointment criteria as a regular member.

(4) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for and provided the member attended all pertinent public meetings or hearings.

(5) When a vacancy occurs, alternate members do not automatically become full members of the BZA. Alternate members have to be appointed to replace a full member upon a vacancy.

(C) Roles and Powers

(1) The BZA shall have the authority to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Zoning Inspector, other township official, or administrative body of the township in the interpretation or enforcement of the provisions of this zoning resolution.

(2) The BZA shall have the authority to hear and decide, in accordance with the provisions of this zoning resolution, applications filed for conditional uses, for interpretation of the zoning map, or for decisions upon other special questions on which the BZA is authorized by this zoning resolution to pass.

(3) In considering an application for a conditional use, the BZA shall have the power to impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this zoning resolution for the particular conditional use, as the BZA may deem necessary for the protection of adjacent properties and the public interest.

(4) The BZA shall have the power to authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this zoning resolution as will not be contrary to the public interest, but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this zoning resolution would cause unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done. The BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the zoning resolution and in the public interest.

(5) The BZA shall have the authority to review and provide an interpretation of the zoning map or zoning text whenever there is a question of how the zoned districts or regulations of this resolution are applied.

(6) The BZA shall have the authority to permit the substitution of a nonconforming use existing at the time of enactment of this resolution in compliance with Article 11: Nonconformities.

(7) The BZA shall have all other powers conferred upon township boards of zoning appeals in the ORC, or as authorized by the Board of Trustees in compliance with state law.

(D) Organization and Bylaws

(1) At either the first meeting or the last regular meeting of each year, the BZA shall elect a Chairperson who shall serve for a one-year term. The BZA may also elect a Vice-Chairperson. During the temporary absence of the Chairperson, the Vice-Chairperson, where elected, shall fulfill the duties of the Chairperson.

(2) The BZA may organize and adopt bylaws for its own governance provided they are consistent with state law or with any other resolution of the township.

(E) Meetings

(1) Meetings shall be held at the call of the Chairperson, or at the call of any two members, and at such other times as the BZA may determine.

(2) The Chairperson, or in their absence, the Vice-Chairperson, may administer oaths and the BZA may compel the attendance of witnesses per the ORC.

(3) All meetings of the BZA shall be open to the public, except as exempted by law.

(4) The BZA shall keep minutes of its proceedings showing the vote, indicating such fact and shall keep records of its examinations and official actions, all of which shall be filed in the office of the Howard Township Fiscal Officer and shall be a public record, unless exempted by law.

(5) The BZA may call upon any township department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the BZA as may reasonably be required.

(F) Quorum and Decisions

(1) Any combination of three regular or alternate members of the BZA shall constitute a quorum.

(2) The BZA shall act by resolution when at least three members, who are eligible to vote, concur on a decision.

(G) Modification of Approval

No substantial modification of a variance approval or conditional use approval, as determined by the Zoning Inspector, shall be permitted without a new application and applicable fee pursuant to this article.

2.6 Zoning Inspector

The Board of Trustees shall appoint a Zoning Inspector who shall serve as the zoning inspector referenced in the ORC.

(A) Roles and Powers

The Zoning Inspector shall have the following roles and powers:

(1) The Zoning Inspector shall have the authority to conduct inspections of structures and land to determine compliance with this resolution.

(2) The Zoning Inspector shall have the authority to review and decide on applications for zoning certificates and to ensure compliance with this zoning resolution in accordance with the applicable procedures in this resolution.

(3) The Zoning Inspector shall have the authority to collect all fees required for all applications.

(4) The Zoning Inspector shall have the authority to provide input, staff reports, or other guidance to the Board of Trustees, Zoning Commission, and/or BZA, when requested.

(5) After written request from a person having a legitimate present or future interest in the property, the Zoning Inspector shall have the authority to issue a zoning certificate for any building or premises existing at the time of enactment of this resolution, certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this resolution.

(6) It shall be the duty of the Zoning Inspector to keep adequate records of all applications and decisions on said applications.

(7) It shall be the duty of the Zoning Inspector to issue citations of zoning violations and keep adequate records of all violations.

(8) The Board of Trustees may also appoint additional personnel to assist the Zoning Inspector in such roles and powers as outlined in this section.

(9) The Zoning Inspector shall have the authority to seek the advice of professional consultants, when authorized by the Board of Trustees.

(10) The Zoning Inspector shall have the authority to conduct additional duties as designated by the Board of Trustees or as specified in this zoning resolution.

(B) Decisions

(1) Any decision of the Zoning Inspector may be appealed in writing to the BZA within 20 days of the Zoning Inspector's decision pursuant to Section 3.7: Appeals.

(2) The Zoning Inspector shall have appropriate forms for appeal available at the time of denial.

Article 3: Review Procedures

3.1 PURPOSE

The purpose of this article is to identify the review procedures used in the administration of this zoning resolution.

3.2 EXEMPTIONS

(A) Agricultural Use Exemption

(1) Agricultural uses, and buildings or structures that are incidental to agricultural uses, as defined in the ORC, located on lots with a lot area greater than five acres shall be exempt from the requirements of this zoning resolution pursuant to the ORC.

(2) Buildings or structures that are incidental to the use of land for agricultural uses, as defined in the ORC, located on lots with a lot area greater than one acre but not greater than five acres, shall be subject to all setbacks, maximum building size, and maximum height requirements of the applicable zoning district as allowed by the ORC.

(3) All agricultural uses, as defined by the ORC, are prohibited on lots with a lot area of one acre or less except for the raising of fruits, vegetables, grains, trees, and other crops for personal use of the property owners or residents. Such uses shall be permitted on all lots, in all yards.

(4) Dairying and animal and poultry husbandry shall be regulated as follows:

(a) The use shall be exempt from zoning on lots with a lot area greater than five acres.

(b) The use shall be prohibited on lots with a lot area of one acre or less.

(c) The use shall be allowed on lots with a lot area greater than one acre but not greater than five acres, subject to the minimum setback and maximum height requirements of the applicable zoning district, when at least thirty-five percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section 4503.06 of the Revised Code. After thirty-five percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered a nonconforming use of land and buildings or structures subject to the nonconforming rules of this resolution.

(5) Structures that are exempt from the provisions of this zoning resolution pursuant to this section may not be exempt from any applicable building or special flood hazard area regulations established and enforced by Knox County or the State of Ohio.

(6) Any structure constructed that is part of an agricultural use that is exempt from this resolution shall be required to receive a letter or certificate of agricultural exemption from the Zoning Inspector. An applicant for such structure shall be required to submit information to the Zoning Inspector to demonstrate that the structure is exempt from zoning for the purposes of maintaining a record of agricultural use exemption. Such application shall be submitted to the Zoning Inspector who shall issue a letter or certificate noting the exemption. If the Zoning Inspector determines that the proposed building is not exempt under the above provisions, the Zoning Inspector shall submit a letter to the applicant stating such reasons and require the submission of a zoning certificate application in accordance of this resolution. Such determination shall be appealable to the BZA.

(7) The Zoning Inspector shall have the authority to enforce this resolution should a structure be found not to be exempt from zoning.

(B) Energy and Gas Exemptions

The following shall be exempt from the requirements of this resolution in accordance with the ORC:

(1) Biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713.30 to 5713.37 of the ORC for real property tax purposes. "Biodiesel," "biomass energy," and "electric or heat energy" have the same meanings as in Section 5713.30 of the ORC.

(2) Biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections 5713.30 to 5713.37 of the ORC for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten British thermal units, five megawatts, or both.

(C) Public Utility or Railroad Exemption

Public utilities and railroads, as defined by the ORC, shall be exempt from the provisions of this zoning resolution.

3.3 COMMON REVIEW REQUIREMENTS

The requirements of this section shall apply to all development review applications and procedures subject to review under this zoning resolution, unless otherwise stated.

(A) Authority to File Applications

(1) The person having legal authority to take action in accordance with the approval sought shall file an application for any review in accordance with this zoning resolution. The person having legal authority shall be the recorded property owner, lessee, or the duly authorized agent of the recorded property owner and may be required to provide written proof of such authority at the time of application.

(2) The Zoning Commission and Board of Trustees may initiate zoning text and map amendments under this zoning resolution with or without an application from the property owner who may be affected.

(B) Application Contents

(1) Submittal Requirements

(a) Applications required under this zoning resolution shall be submitted in a form and in such numbers as established by the township and made available to the public.

(b) The Board of Trustees shall adopt the submittal requirements at a regular board meeting after hearing recommendations on the requirements from the Zoning Commission.

(c) The applicant shall attest to the truth and correctness of all facts and information presented with the application.

(2) Submission of Fees

(a) Applications shall be accompanied by a fee as established by resolution of the Board of Trustees.

(b) The township shall charge appropriate fees for the review or issuance of zoning certificates, conditional use approvals, appeals, variances, zoning amendments, nonconformity reviews, and other applicable permits to cover the costs of inspection, investigation, legal notices and other expenses incidental to the enforcement of this zoning resolution. Such fees shall be paid to the Howard Township Board of Trustees, or its designee, and shall be paid in accordance with the official zoning fee schedule as established by the Board of Trustees.

(c) Fees are waived for the construction or reconstruction of a structure destroyed by fire or an act of God. The zoning certificate application shall be made within one year of the disaster and shall only allow for the reconstruction of the uses, buildings, and structures, as existed prior to the disaster and with any approved plans or other approvals.

(3) Complete Application Determination

(a) The Zoning Inspector shall only initiate the review and processing of applications submitted under this article if such application is determined to be complete.

(b) The Zoning Inspector shall make a determination of application completeness within a reasonable time.

(c) If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this resolution.

(d) If an application is determined to be incomplete, the Zoning Inspector shall provide written notice to the applicant along with an explanation of the application's deficiencies. If the missing components are minor in nature, the Zoning Inspector may process the application with a note that to the applicable board. No further processing of all other incomplete application shall occur until the deficiencies are corrected.

(e) If the applicant fails to re-submit a complete application within 60 days of the notice provided by the Zoning Inspector pursuant to Paragraph (d) above, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. No reconsideration of an incomplete application shall occur after expiration of the 60-day period and an applicant in need of further development approval under the zoning resolution shall, pursuant to all of the original requirements of Section 3.3(B): Application Contents, submit a new application and filing fee.

(f) If any substantive false or misleading information is submitted or supplied by an applicant on an application, that application shall be rejected.

(4) Refund of Fees

Application or review fees are not refundable except where the Zoning Inspector determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant within 60 days.

(5) Submission Schedule

The Zoning Inspector is authorized and shall establish the submission and review schedule (including time frames for review where not established within the ORC) for applications. The Zoning Inspector may amend and update these requirements as determined to be necessary.

(C) Examination and Copying of Application and Other Documents

Documents and/or records may be inspected and/or copied as provided for by state law.

(D) Constructive Notice for All Proceedings

The following shall apply to all public notice requirements, regardless of decision-making body.

(1) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the agency having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this zoning resolution, and such finding shall be made available to the decision-making body prior to final action on the request.

(2) When the records of the township document the publication, mailing, and/or posting of notices as required by this article, it shall be presumed that notice of a public hearing was given as required by this section.

(E) Computation of Time

(1) If any period of time is specified as business days, the calculation of time shall include all days of the week except Saturday, Sunday, or a legal holiday observed by Howard Township in which the administrative offices are closed for the entire day. Any period of time specified as calendar days shall include every day of the week.

(2) In computing any period of time prescribed or allowed by this zoning resolution, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday as observed by Howard Township where the township offices are closed for the entire day.

(3) When the township offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next day which is not a Saturday, a Sunday, or a legal holiday observed by Howard Township in which the township administrative offices are closed for the entire day.

(F) Conduct of Public Hearing

(1) Rights of All Persons

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state his or her address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

(2) Continuance of a Public Hearing or Deferral of Application Review

(a) An applicant may request that a review or decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Zoning Inspector prior to the publication of notice as may be required by this resolution. The Zoning Inspector may grant such requests, in which case the application will be considered at the next regularly scheduled meeting.

(b) A request for deferral of consideration of an application received by the Howard Township Zoning Inspector after publication of notice of the public hearing as required by this resolution shall be considered as a request for a continuance of the public hearing, and may only be granted by the review or decision-making body.

(c) The review or decision-making body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place.

(3) Withdrawal of Application

Any request for withdrawal of an application shall be either submitted in writing to the Zoning Inspector or made through a verbal request by the applicant prior to action by the review or decision-making body.

(a) The Zoning Inspector shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application in accordance with this resolution.

(b) If the request for withdrawal of an application is submitted after publication of notice for the public hearing in accordance with this resolution, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body.

(c) In all cases where the applicant has requested the withdrawal of an application, the application fee paid shall not be refunded.

3.4 ZONING CERTIFICATE

(A) Applicability

(1) A zoning certificate shall be required for any of the following:

(a) New construction, additions, or structural alteration (excluding interior-only alterations) of any building or structure, including, but not limited to, accessory structures, signs, fences, walls, or other structures, unless otherwise exempted in this resolution;

(b) Establishment of a temporary use or structure that requires a permit in Section 6.2: Temporary Uses and Structures;

(c) Occupancy and use of vacant land, excluding any occupancy or use exempted by Section 3.2;

(d) Any change in use in an existing building (not applicable to a change in tenancy when the use remains the same); or

(e) Any change in the use of a nonconforming use.

(2) The Zoning Inspector shall have the authority to develop separate application forms and permits or certificates for special purposes that are reviewed in the same manner as the zoning certificate. These special permits may include, but are not limited to, sign permits, temporary use permits, fence permits, etc. For the purposes of this resolution, such permits shall be considered a zoning certificate.

(B) Review Procedure

(1) Step 1 – Application

(a) The applicant shall submit an application for a zoning certificate for review and approval prior to submitting for a building permit from the authority having jurisdiction.

(b) The applicant shall submit an application in accordance with Section 3.3(B): Application Contents, and with the provisions of this section.

(2) Step 2 – Review

The Zoning Inspector shall review the application for conformance with the provisions of this zoning resolution.

(3) Step 3 – Decision

(a) Within 30 business days after an application (Step 1) is determined to be complete, the Zoning Inspector shall either approve and issue the zoning certificate or deny the application and state in writing the reasons for the action taken. Such statement of denial shall include, but not be limited to, a list of regulations that would be violated by the proposed use, and shall transmit one copy thereof to the applicant along with one copy of the plot plan, signed, dated, and noted as denied.

(b) In conducting the review of the application, the Zoning Inspector may consult with any department, agency, public body, official, company, or individual necessary to determine whether the application complies with the regulations of this resolution.

(c) Upon approval, the Zoning Inspector shall give to the applicant one signed copy of the zoning certificate and maintain the second copy of the permit for township records.

(d) If the application is denied, the applicant may submit a revised application for review in accordance with this review procedure, or the applicant may appeal the decision to the BZA in accordance with Section 3.7: Appeals.

(4) Step 4 – Survey Required

For any structure that requires the use of footers, the applicant shall be required to submit a survey, or other documentation approved by the Zoning Inspector, to demonstrate that construction is in compliance with the approved setbacks. Such documentation shall be submitted prior to the pouring of the footers.

(C) Review Criteria

All applications for a zoning certificate shall demonstrate conformity with the provisions of this zoning resolution and all other applicable approvals (e.g., conditional use or variance approvals).

(D) Expiration

(1) Construction shall begin within 12 months of issuance of a zoning certificate. Construction shall be considered “begun” if the footers of the structure have been installed.

(2) Failure to begin construction within 12 months shall result in the expiration of the zoning certificate unless the applicant requests and receives an extension from the Zoning Inspector for good cause.

(3) Where the zoning certificate is for a use of land or a structure, such use shall be open or fully functioning within 12 months of issuance of a zoning certificate or the zoning certificate shall expire.

(4) Upon expiration of a zoning certificate, a new zoning certificate application, including all applicable fees, shall be required before construction.

(E) Revocation of a Zoning Certificate

(1) The Zoning Inspector shall hereby have the authority to revoke an approved zoning certificate or temporary zoning certificate if the information submitted as part of the application is found to be erroneous or fraudulent after the certificate has been issued.

(2) The Zoning Inspector may also revoke a zoning certificate if the applicant has not conformed with all applicable federal, state, county, and township regulations, resolutions, and rules including, but not limited to, the Knox County Regional Planning Commission, Knox County Public Health, Knox County Engineer, the Knox Soil and Water Conservation District, and the applicable water and sewer districts/agencies.

3.5 ZONING TEXT OR MAP AMENDMENT

(A) Amendment Initiation

(1) Amendments or supplements to the zoning resolution or zoning map may be initiated by:

(a) A motion of the Zoning Commission;

(b) Passage of a resolution by the Board of Trustees; or

(c) By the filing of an application by the owners, lessees, or their agents, of property within the area proposed to be changed or affected by the proposed amendment.

(2) If the Board of Trustees initiates the amendment, the board shall, upon the passage of such resolution, certify such resolution to the Zoning Commission.

(B) Review Procedure

(1) Step 1 – Pre-application Conference (Optional)

(a) If initiated by the property owners, the applicant may request to meet with the Zoning Commission to discuss the initial concepts of the proposed amendment and general compliance with applicable provisions of this zoning resolution prior to the submission of the application.

(b) Discussions that occur during a pre-application conference or any preliminary meeting with the Zoning Commission, or any representative of the township, are not binding on the township and do not constitute official assurances or representations by Howard Township or its officials regarding any aspects of the plan or application discussed.

(2) Step 2 – Application

(a) Applications for any change of district boundaries, classifications of property as shown on the zoning map, or changes to the zoning resolution text shall be submitted to the Zoning Commission at the township offices.

(b) The applicant shall submit an application in accordance with Section 3.3(B): Application Contents, and with the provisions of this section.

(c) Each application initiated by property owners shall be signed by at least one of the owners, or the owners authorized agent of the all properties within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.

(d) Applications for amendments initiated by the Zoning Commission or the Board of Trustees shall be accompanied by the initiating board's motion or resolution pertaining to such proposed amendment.

(3) Step 3 – Referral to the Knox County Regional Planning Commission

(a) Within five days after the adoption of a motion, certification of a resolution, or the filing of an application (Step 2), the township shall transmit a copy thereof to the Knox County Regional Planning Commission.

(b) The Knox County Regional Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and shall submit such recommendation to the Zoning Commission.

(c) Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.

(4) Step 4 – Public Hearing and Recommendation by the Zoning Commission

(a) Upon adoption of a motion, certification of a resolution, or the filing of an application (certified as complete by the Zoning Inspector) for an amendment (Step 2), the Zoning Commission shall set a date for a public hearing regarding the proposed amendment.

(b) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was certified as complete by the Zoning Inspector.

(c) Notification shall be given in accordance with the ORC.

(d) Within 30 days after the completion of the Zoning Commission's public hearing, the Zoning Commission shall recommend the approval, denial, or modification of the proposed amendment and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the Knox County Regional Planning Commission to the Board of Trustees.

(5) Step 5 – Public Hearing and Decision by the Board of Trustees

(a) Upon receipt of the recommendation from the Zoning Commission (Step 4), the Board of Trustees shall set a time for a public hearing on such proposed amendment.

(b) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.

(c) Notification shall be given in accordance with the ORC.

(d) Within 20 days after its public hearing, the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission. If the Board of Trustees denies or modifies the Zoning Commission's recommendations, the majority vote of the Board of Trustees shall be required.

(C) Effective Date, Referendum, and Filing Amended Documents

(1) Any amendment adopted by the Board of Trustees shall become effective 30 days after the date of such adoption.

(2) A referendum of any amendments may be undertaken within the 30 days after the date of the Board of Trustees decision in accordance with the ORC.

(3) Pursuant to ORC Section 519.12, within five working days after any zoning amendment's effective date, the Board of Township Trustees shall file the text and/or map amendment in the office of the Knox County Recorder and with the Knox County Regional Planning Commission.

(D) Review Criteria

The following criteria shall be used by the Zoning Commission and the Board of Trustees in decisions regarding zoning amendments:

(1) The amendment is in accordance with and in the spirit of this resolution;

(2) The amendment has been reviewed to determine the consistency with the any plans or policy documents adopted by the Board of Township Trustees;

(3) The applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon the policies of the township; and

(4) Any other substantive factor deemed appropriate by the Zoning Commission or Board of Trustees.

3.6 VARIANCE OR CONDITIONAL USE

(A) Review Procedure

The review procedure for variances and conditional uses shall be as follows:

(1) Step 1 – Application

(a) An application for a variance or conditional use over which the BZA has original jurisdiction under Section 2.5: Board of Zoning Appeals (BZA), may be made by any property owner or authorized agent.

(b) The applicant shall submit an application in accordance with Section 3.3(B): Application Contents, and with the provisions of this section.

(2) Step 2 – Public Hearing with the Board of Zoning Appeals

(a) Upon application (Step 1), the BZA shall fix a reasonable time for the public hearing on any application.

(b) Written notice of the public hearing shall be mailed to any party of interest including each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property that is the subject of the application. Such notice shall be given a minimum of 10 days prior to the date of the public hearing.

(c) The township shall also give notice of such public hearing by publishing a legal notice in one or more newspapers of general circulation in the county at least 10 days before the date of such hearing.

(d) Upon the day for hearing any application, the BZA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said application. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.

(3) Step 3 – Decision

(a) Within 30 days after the hearing concludes (Step 2), the BZA shall make a decision on the application.

(b) A copy of the BZA's decision shall be transmitted to the applicant or appellant at the applicant's address as shown on the records of the BZA. A copy shall be maintained by the Zoning Inspector.

(c) In authorizing a variance or conditional use, the BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as the BZA may deem necessary in the interest of the furtherance of the purposes of this resolution. In authorizing a variance or conditional use with conditions, the BZA may require such other evidence, guarantee, or bond as it may deem necessary. The applicant shall be required to comply with the conditions.

(d) Failure to comply with the conditions of a decision shall be deemed a violation of this zoning resolution.

(e) Any party adversely affected by a decision of the BZA may appeal the decision to the Knox County Court of Common Pleas.

(f) If the application is approved, the applicant may proceed with an application for a zoning certificate, where required.

(B) Variance Review Criteria

(1) The BZA shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this resolution as will not be contrary to the public interest. Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this resolution will result in practical difficulty for an area/dimensional variance or unnecessary hardship for a use variance. The factors for an area/dimensional variance and use variance, as individually specified in this section, shall be considered and weighed by the BZA.

(2) Area/Dimensional Variance

(a) The following factors shall be considered and weighed by the BZA to determine practical difficulty:

(i) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;

(ii) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

(iii) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;

(iv) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

(v) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;

(vi) Whether special conditions or circumstances exist as a result of actions of the owner;

(vii) Whether the property owner's predicament can feasibly be obviated through some method other than a variance;

(viii) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and/or

(ix) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

(b) No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

(3) Use Variance

In order to grant a use variance, the BZA shall determine that strict compliance with the terms of this resolution will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

(a) The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;

(b) The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;

(c) The variance requested cannot otherwise be resolved by a zoning map amendment;

(d) The essential character of the neighborhood will not be substantially altered as a result of the variance;

(e) There is an existing structure that cannot be reasonably used for a permitted use or a conditionally permitted use in the applicable zoning district;

(f) The proposed use is listed in Table 4-2: Permitted Use Table;

(g) The hardship condition is not created by actions of the applicant;

(h) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;

(i) The granting of the variance will not adversely affect the public health, safety or general welfare;

(j) The variance will be consistent with the general spirit and intent of this Resolution;

(k) The requested use is permitted in another district in this resolution; and

(l) The variance sought is the minimum that will afford relief to the applicant.

(C) Conditional Use Review Criteria

In reviewing conditional uses, the BZA shall consider the following:

(1) The use is a conditional use, permitted with approval by the BZA, in the district where the subject lot is located;

(2) The use is in accordance with the objectives of the Howard Township Comprehensive Plan and zoning resolution; and

(3) The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.

(4) The BZA shall also consider the following as applicable to the subject application:

(a) The comparative size, floor area and mass of the proposed structure(s) in relationship to adjacent structures and buildings in the surrounding properties and neighborhood;

(b) The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area;

(c) The number of transit movements generated by the proposed use and relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood;

(d) The capacity of adjacent streets to handle increased traffic in terms of traffic volume;

(e) The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood;

(f) The requirements for public services where the demands of the proposed use are in excess of the individual demand of adjacent land uses in terms of police and fire protection, and the presence of any potential fire or other hazards created by the proposed use;

(g) The general appearance of the neighborhood will not be adversely affected by the location of the proposed use on the parcel;

(h) The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood;

(i) The impact of the landscaping of the proposed use in terms of maintained landscaped areas versus areas to remain in a natural state, and the openness of landscape versus the use of buffers and screens;

(j) The impact of a significant amount of hard-surfaced areas for building, sidewalks, drives, parking areas and service areas in terms of noise transfer, water runoff and heat generation;

(k) The potential for the proposed use to remain in existence for a reasonable period of time and not become vacant or unused. Consideration should also be given to unusual single purpose structures or components of a more temporary nature; and

(l) Any other physical or operational feature or characteristic that may affect the public health, safety and welfare.

(D) Expiration

(1) Conditional use and variance approvals shall run with the land and shall not expire or be voided if there is a change in ownership.

(2) An applicant who receives an approval of a conditional use or variance shall be required to submit a completed application for a zoning certificate within six months of the BZA decision or the approval shall expire. The applicant may request an extension of an additional six months if such request is submitted to the Zoning Inspector in writing a minimum of two weeks prior to the date of expiration.

(3) For a conditional use or variance approval, the approvals shall expire if the related zoning certificate expires.

(4) A conditional use approval shall expire if the allowed conditional use is discontinued for a period of more than two years.

(5) Upon expiration of a variance or conditional use approval, a new variance or conditional use application, including all applicable fees, shall be required.

(E) Continuation of Existing Uses Conditionally Permissible Under This Resolution

(1) All legally established uses existing at the time of passage of this resolution or amendments thereto that are made a conditional use by adoption of this resolution or by a zoning text amendment shall be issued conditional use permits within one year after the passage of this resolution or amendments thereto.

(2) The BZA shall issue such permits and may approve the conditional uses as brought forth by the owner.

(F) Appeals of BZA Decisions

Any person or entity claiming to be injured or aggrieved by any final action of the BZA shall have the right to appeal the decision the Court of Common Pleas as provided in ORC Chapters 2505 and 2506.

3.7 APPEALS

(A) Appeal Applicability

An appeal to the BZA may be taken by the applicant or any person affected or aggrieved by a decision of the Zoning Inspector or administrative official in the enforcement of this zoning resolution. Such appeal shall be taken within 20 days after receipt of notification of the decision, by filing with the Zoning Inspector and with the BZA, a notice of appeal specifying the grounds thereof including applicable sections of the Howard Township Zoning Resolution.

(B) Review Procedure

The review procedure for an appeal shall be as follows:

(1) Step 1 – Filing of Appeal

(a) Upon the filing of an appeal, the Zoning Inspector shall transmit to the BZA all the documents and other evidence constituting the record.

(b) The filing of an appeal shall stay all proceedings unless the Zoning Inspector or any affected person certifies to the BZA that, by reason of facts pertaining to the matter in question, a stay, in their opinion, would cause imminent peril to life or property. When such certification is made, proceedings shall not be stayed except by order granted by the BZA.

(c) All appeals shall be submitted with the required fees, if applicable, as established in the Howard Township fee schedule.

(2) Step 2 – Public Hearing with the Board of Zoning Appeals

(a) Upon the filing of an appeal (Step 1), the BZA shall fix a reasonable time for the public hearing on the appeal, give notice in writing at least ten days prior to the hearing to the parties of interest, and give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten days before the date of such hearing.

(b) Written notice of the public hearing shall be mailed to any party of interest including each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property that is the subject of the application. Such notice shall be given a minimum of 10 days prior to the date of the public hearing.

(c) The township shall also give notice of such public hearing by publishing a legal notice in one or more newspapers of general circulation in the county at least 10 days before the date of such hearing.

(d) Upon the day for hearing any appeal, the BZA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.

(e) At the hearing, any person may appear in-person or by an attorney.

(3) Step 3 – Decision

(a) Within 30 days after the hearing concludes (Step 2), the BZA shall make a decision on the appeal.

(b) A decision of the BZA shall not become final until the expiration of 30 days from the date of such decision unless the BZA shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

(c) A certified copy of the BZA's decision shall be transmitted to the applicant or appellant at the applicant's address as shown on the records of the BZA and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him and he shall incorporate the terms and conditions of the decision in the permit to the appellant, whenever the BZA authorizes a zoning certificate.

(d) The BZA may, in conformity with the provisions of this section, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as necessary; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.

(e) Failure to comply with the conditions of a decision shall be deemed a violation of this zoning resolution.

(f) Any party adversely affected by a decision of the BZA may appeal the decision to the Knox County Court of Common Pleas.

(C) Appeal Review Criteria

An order, decision, determination, or interpretation shall not be reversed or modified by the BZA unless there is competent, material, and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with either the procedural or substantive requirements of this zoning resolution, state law, or federal law.

(D) Appeals of BZA Decisions

Any person or entity claiming to be injured or aggrieved by any final action of the BZA shall have the right to appeal the decision the Court of Common Pleas as provided in ORC Chapters 2505 and 2506.

Article 4: Zoning Districts and Principal Use Regulations

4.1 Establishment of Zoning Districts

The zoning districts listed in Table 4-1 are hereby established for the unincorporated territory of Howard Township, Knox County, Ohio.

TABLE 4-1: ZONING DISTRICTS	
District Designation	**District Name**
R-1	General Residential District
Nonresidential Districts	
B-1	General Business District
BMF	Business Multi-Family District
Special Districts	
C-1	Conservancy District
AG	Agricultural District
AV-PUD	Apple Valley Planned Unit Development District
R-PUD	Residential Planned Unit Development District
B-PUD	Business Planned Unit Development District

4.2 Official Zoning Map

(A) The boundaries of the established zoning districts are indicated upon the "Official Zoning Map" of Howard Township, Knox County, Ohio, also known as the "zoning map."

(B) This Official Zoning Map is hereby made a part of this resolution and shall be as recorded with the Knox County Recorder, as required by ORC Section 519.12.

(C) The Official Zoning Map and all the quotations, references, and other matters shown thereon, shall be as much a part of this resolution as if the notations, references and other matters set forth by said zoning map were all fully described herein.

(D) The Official Zoning Map is properly attested and is on file in the Howard Township offices.

(E) Nothing in this article shall be construed to require the actual location of any zoning district on the Official Zoning Map, as it is the intent of this zoning resolution to provide the flexibility in its administration to allow for future expansion and amendments.

4.3 Interpretation of District Boundaries

(A) Where uncertainty exists with respect to the boundaries of any of the aforesaid districts, as shown on the zoning map, the following rules shall apply:

(1) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

(2) Where district boundaries are indicated as approximately following the centerline or right-of-way line of streets or highways or the centerline of alleys, such lines shall be construed to be such district boundaries.

(3) Where district boundaries are so indicated that they are approximately parallel to the centerlines or right-of-way lines of streets or highways or the centerlines of alleys, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.

(4) Where a district boundary line is shown as adjoining a railroad, it shall, unless otherwise fixed, be construed to coincide with the nearest boundary line of the railroad right-of-way.

(5) Where a district boundary line is indicated as approximately following the centerline of a river, stream, or creek or other waterway, such centerline shall be construed to be such district line.

(B) All disputes concerning the exact location of zoning district boundaries shall be resolved by the BZA at a public hearing.

4.4 Vacation of Public Ways

Whenever any street or public way is vacated in the manner authorized by law, the Board of Trustees or Zoning Commission shall initiate a zoning map amendment (See Section 3.5: Zoning Text or Map Amendment.) to establish a zoning district(s) for the vacated public way.

4.5 General Purpose and Intent

The zoning districts contained in this resolution are created to:

(A) Realize the general purpose set forth in Section 1.1: Purpose of this zoning resolution;

(B) Provide appropriately located areas for residential development that are consistent with township policy and with standards of public health and safety established by this resolution and any other appropriate governmental body;

(C) Provide, in appropriate and convenient locations, sufficient areas for a full range and scale of nonresidential uses in accordance with the township comprehensive plan;

(D) Provide for proper location of institutions and other community facilities so as to increase the general convenience, safety and amenities available in Howard Township;

(E) Ensure the long-term maintenance of the township's quality residential neighborhoods;

(F) Ensure adequate light, air, privacy and open space for each dwelling;

(G) Protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other significant adverse environmental effects; and

(H) Minimize the impact of business development on abutting residential districts.

4.6 Specific District Purpose Statements

The following are specific purpose statements for each of the base zoning districts. The purpose statements and district specific standards for Planned Unit Developments (PUDs) are established in Article 5: Planned Unit Development (PUD) District.

(A) General Residential District (R-1)

The intent of the R-1 Suburban Residential District is to reserve certain land areas for single-family dwellings at a gross maximum density of 1.9 units per acre. These areas will constitute areas of sound residential development and will remain semi-rural in character.

(B) General Business District (B-1)

The purpose of the B-1 District is to provide an area for a wide array of commercial, office, and service uses that are consistent with the needs of the township's residential and agricultural uses.

(C) Business Multi-Family District (BMF)

The purpose of the BMF District is to provide for a wide range of neighborhood retail outlets and associated business facilities as well as certain multi-family dwellings. All of the allowed uses must be of a nature to be compatible with adjacent uses and to provide services that are consistent with the needs of the township's residential and agricultural uses.

(D) Conservancy District (C-1)

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

(E) Agricultural District (AG)

The purpose of the agricultural district is to provide an area for agricultural pursuits protected from infringement of unplanned and unguided urban development and to conserve areas physically unsuitable for intensive development

4.7 PERMITTED USES

(A) General Use Regulations

(1) Number of Principal Buildings and Uses

(a) Unless otherwise specifically stated, only one principal building or use shall be permitted on any lot in a residential zoning district.

(b) Wherever an agricultural use is exempt from these regulations or permitted in accordance with this resolution, a single-family dwelling may be located on the same lot but shall not be exempt from this zoning resolution.

(c) Multiple principal buildings may be permitted in the nonresidential zoning districts if the lot is sufficient in size to conform to all the use, area, height, parking, and other requirements of this resolution.

(d) Multiple principal uses may be permitted within a single principal building within the nonresidential zoning districts.

(e) Multiple principal uses may be permitted on individual lots in a planned unit development district if approved in accordance with Article 5: Planned Unit Development (PUD) District.

(2) Enclosed Building

(a) Unless otherwise stated in the name of the use (e.g., outdoors), by definition, or within the use-specific standards, all principal uses shall be required to take place in a fully enclosed building.

(b) Wireless telecommunication facilities and mining and extraction are exempt from this requirement.

(3) Prohibited Activities

(a) No activities shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this resolution, are or may become hazardous, noxious, or offensive due to the emission of odor, light, dust, smoke, cinders, gas, fumes, noise, vibrations, electrical interference, refuse matters, or water-carried wastes.

(b) Any action to abate a nuisance shall be administered by the Board of Trustees or Zoning Inspector in accordance with applicable laws.

(B) Permitted Use Table Summary

Table 4-2 sets forth the uses allowed within all zoning districts except planned unit development districts (See Article 5: Planned Unit Development (PUD) District.). The abbreviations used in the table are described as follows:

(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 Inspector through the zoning certificate procedure.

(2) 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 last column of Table 4-2. 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 Inspector through the zoning certificate procedure.

(3) Conditional Uses

(a) A "C" in a cell indicates that a use may be permitted if approved through the conditional use review. Conditional uses may be subject to use-specific standards as identified in the last column of Table 4-2.

(b) Conditional uses are subject to all other applicable regulations of this resolution.

(c) The existence of additional use-specific standards in this resolution shall not be implied to be the only standards the use is required to meet. Any use that is permitted as a conditional use shall be subject to the general review criteria for conditional uses in Section 3.6(C): Conditional Use Review Criteria.

(4) Prohibited Uses

A blank and/or shaded cell indicates that a use is prohibited in the respective zoning district.

(5) Numerical References

The numbers contained in the "Use-Specific Standards" column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the "Use-Specific Standards" column apply in all zoning districts unless otherwise expressly stated.

(6) Unlisted Uses

If an application is submitted for a use that the Zoning Inspector determines is not defined or established in Table 4-2, the applicant may choose to take one of the following actions:

(a) The applicant may appeal the determination of the Zoning Inspector to the BZA pursuant to Section 3.7: Appeals;

(b) The applicant may submit an application for a zoning text amendment to include the proposed use and applicable standards pursuant to Section 3.5: Zoning Text or Map Amendment; or

(c) The applicant may present their case to the Zoning Commission and/or Board of Trustees to request that the township initiate a text amendment to address the proposed use and applicable standards.

(C) Permitted Use Table

TABLE 4-2: PERMITTED USE TABLE

Permitted Uses P = Permitted Use PS = Permitted Use with Standards C = Conditional Use Blank Cell = Prohibited	**C-1**	**AG**	**R-1**	**B-1**	**BMF**	**Use-Specific Standards** See Section:
Agricultural Use Classification						
Agricultural Uses on Lots of Greater than Five Acres	Exempt pursuant to Section 3.2(A).					
Agricultural Uses on Lots of Five Acres or Less	PS	PS	PS	PS	PS	4.8(A)(1)
Agritourism	PS	PS	PS	PS	PS	4.8(A)(2)
Nurseries or Greenhouses		PS	PS			4.8(A)(3)
Residential Use Classification						
Bed and Breakfast Establishments		C	C	C		4.8(B)(1)
Dwellings, Multi-Family					PS	4.8(B)(2)
Dwellings, Single-Family	PS	P	P	P	P	4.8(B)(3)
Dwellings, Two-Family			P	P	P	
Permanently Sited Manufactured Housing	PS	PS	PS	PS	PS	4.8(B)(4)
Residential Facilities		PS	PS	PS or C	PS or C	4.8(B)(5)
Skilled Nursing or Personal Care Facilities			C	C	C	4.8(B)(6)
Public and Institutional Use Classification						
Active Parks and Recreation	C	C	C	C	C	4.8(C)(1)
Cemeteries	C	C	C			
Churches and Places of Worship	PS	PS	PS	PS	PS	4.8(C)(2)
Community Centers	C	C	C			
Cultural Institutions	C	C	C	P	P	
Educational Facilities (Primary and Secondary)	C	C	C	P	P	
Educational Facilities, Higher				P	P	
Government Offices and Buildings	C	C	C	P	P	
Hospitals				C		4.8(C)(3)
Passive Parks, Recreation, and Open Space	P	P	P	P	P	
Quasi-Public, Fraternal, or Service Facilities				PS	PS	4.8(C)(2)
Commercial and Office Use Classification						
Automotive Service and Repair				C		4.8(C)(4)
Banks and Financial Institutions				P	P	
Commercial Entertainment or Recreation (Indoors)				C		
Commercial Entertainment or Recreation (Outdoors)		C		C		4.8(C)(5)
Day Care Centers (Adult or Child)				PS	PS	4.8(C)(6)
Fuel Stations				C	C	4.8(C)(4)
Funeral Homes or Mortuaries				PS	PS	4.8(C)(7)
General Offices (Administrative, Professional, Business)		C		P	P	
Hotels and Motels				C		

TABLE 4-2: PERMITTED USE TABLE						
Permitted Uses P = Permitted Use PS = Permitted Use with Standards C = Conditional Use Blank Cell = Prohibited	**C-1**	**AG**	**R-1**	**B-1**	**BMF**	**Use-Specific Standards** See Section:
Kennels, Animal Training, and Animal Day Cares				C		4.8(C)(8)
Medical and Dental Offices or Clinics				P	P	
Microbrewery, Microdistillery, or Microwinery		C		PS	PS	4.8(C)(9)
Personal Service Establishments		C		P	P	
Restaurants and Taverns				P	P	
Retail and Service Commercial Uses		C		P	P	
Theaters				C		
Vehicle Sales and Leasing				C		4.8(C)(10)
Vehicle Washing Establishments				C		
Veterinarian Offices, Animal Hospitals, and Animal Grooming (No Boarding)		C		PS	PS	4.8(C)(11)
Industrial Use Classification						
Light Industrial Uses				C		
Self-Storage Facilities				C		
Warehouses				C		
Miscellaneous Use Classification						
Essential Services	P	P	P	P	P	
Mining and Extraction	C	C				4.8(D)(2)
Mixed Use Buildings				PS	PS	4.8(D)(1)
Multi-Tenant Developments				P	P	
Wireless Telecommunication Facilities	C	C	C	PS	PS	4.8(D)(3)

4.8 USE-SPECIFIC STANDARDS

(A) Agricultural Use Classification

(1) Agricultural Uses on Lots Less than Five Acres

The following standards shall apply to all agricultural uses that are not otherwise exempted from zoning pursuant to 3.2(A): Agricultural Use Exemption:

(a) All buildings and structures, except fencing, associated with the raising or keeping of livestock on lots that are larger than one acre in area but smaller than five acres, shall be set back a minimum of 100 feet from all lot lines.

(b) The maximum height shall be the same as the maximum height in the applicable district.

(c) Fencing utilized to corral or pen livestock shall be set back a minimum of 20 feet from all lot lines.

(d) The raising of crops and trees is permitted on any lot by-right and shall not require a zoning certificate.

(e) The raising of livestock on lots less than one acre in area shall be prohibited.

(f) Agricultural uses shall be exempt from the requirement that all activities must be located within an enclosed building.

(2) Agritourism

(a) Agritourism activities that include the use of machinery or vehicles shall not take place within 100 feet of any lot line adjacent to a lot in an R-1 District. All other activities, which are passive in nature (e.g., will not create a nuisance from noise) shall not take place within 20 feet of any lot line adjacent to a lot in the R-1 District.

(b) All buildings and structures used for agritourism activities shall be set back a minimum of 20 feet from all lot lines.

(c) Parking for agritourism activities shall not be subject to the parking requirements of Article 9: Parking, Loading, and Circulation Standards. Any parking that is provided shall be set back a minimum of 100 feet of any lot line adjacent to a lot in an R-1 District.

(3) Nurseries and Greenhouses

(a) Nurseries and greenhouses may only be permitted in the AG District when the use is related to an agricultural use that is on a lot of five acres or less, in which case it shall be subject to the standards of Section 4.8(A)(1). Nurseries and greenhouses on lots of greater than five acres shall be considered an exempt agricultural use in accordance with this resolution and the ORC.

(b) Nurseries and greenhouses may only be permitted in the R-1 District when the use is an accessory use to a permitted agricultural use and regulated in accordance with the size of the lot.

(B) Residential Use Classification

(1) Bed and Breakfast Establishments

The following standards shall apply to any bed and breakfast establishment:

(a) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling.

(b) The owner of the premises shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.

(c) No more than five bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.

(d) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.

(e) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.

(f) Meals provided for cost in a bed and breakfast establishment shall only be served to the guests who are lodging at the bed and breakfast establishment.

(g) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

(2) Dwellings, Multi-Family

There shall be no more than eight units in any one building.

(3) Dwellings, Single-Family

Single-family dwellings are permitted in the C-1 District provided they are not located in an area that is prone to flooding and provided the single-family dwelling complies with all lot and principal building standards for single-family dwellings in the R-1 District.

(4) Permanently Sited Manufactured Housing

The following standards shall apply to any permanently sited manufactured housing:

(a) The housing shall meet the definition of a permanently sited manufactured home as established in the ORC.

(b) The housing shall comply will all zoning requirements of a single-family dwelling in the applicable zoning district.

(c) Travel trailers, park trailers, and mobile homes, as defined in Section 4501.01 of the ORC, do not qualify as a permanently sited manufactured home and shall be prohibited.

(5) Residential Facility

(a) Where a person may operate a residential facility, as defined in the ORC that is of a size that is required to be allowed where single-family dwellings are permitted, such use shall be deemed a permitted use in the C-1, AG, R-1, and BMF Districts. Such facilities must comply with the site development standards (See Section 4.9(B).) and any other standards in this resolution that apply to all single-family dwellings within the applicable district.

(b) Where a person may operate a residential facility, as defined in the ORC, that is of a size that is required to be allowed where multi-family dwellings are permitted, such use shall be deemed a permitted use in the BMF District. Such facilities must comply with the site development standards (See Section 4.9(B).), and any other standards in this resolution that apply to all multi-family dwellings within the applicable district.

(6) Skilled Nursing or Personal Care Facilities

The following standards shall apply to any skilled nursing or personal care facilities:

(a) The principal building shall be set back a minimum of 100 feet from any adjacent residential zoning district or residential lot line.

(b) All other site development standards of the applicable zoning district shall apply to the site.

(c) The maximum density of these facilities shall be eight units per acre.

(d) The proposed use shall not have a primary access from a local township street.

(C) Public and Institutional Use Classification

(1) Active Parks and Recreation

The following standards shall apply to any active parks and recreational activities:

(a) Due to the variety of activities that may take place with these uses, the BZA may consider the intensity of the activity and impact on adjacent properties when establishing minimum setbacks. Activities that may generate excessive noise or light should be set back a minimum of 100 feet from all lot lines of an adjacent residential use.

(b) Only retail uses that are customarily accessory or incidental to the main recreational use shall be permitted and shall include such uses as refreshment stands, souvenir stands, and concession stands.

(c) The use shall be exempt from the requirement that all activities must be located within an enclosed building.

(2) Churches and Places of Worship, Cultural Institutions, Educational Facilities (Primary and Secondary), and Quasi-Public, Fraternal, or Service Facilities

The following standards shall apply to any church, place of worship, cultural institution, educational facility (primary and secondary), or quasi-public, fraternal, or service facility:

(a) All buildings shall be set back a minimum of 50 feet from all lot lines.

(b) All parking areas shall be set back a minimum of 25 feet from all lot lines.

(c) The proposed use shall not have a primary access from a local township street.

(d) Associated uses such as a convent, faculty residence, cafeteria, dormitory, field house, or infirmary shall be located on the same lot as the principal use and comply with the building setback requirements set forth in this resolution.

(3) Hospitals

The following standards shall apply to any hospital:

(a) All buildings shall be set back a minimum of 100 feet from all lot lines.

(b) All parking areas shall be set back a minimum of 50 feet from all lot lines.

(c) The proposed use shall not have a primary access from a local township street.

(4) Automotive Service and Repair or Fuel Station

The following standards shall apply to any automotive service and repair use or fuel station:

(a) Fuel pumps shall be set back a minimum of 20 feet from all lot lines and 50 feet from all adjacent residential lot lines.

(b) Canopies shall be set back a minimum of 10 feet from all lot lines and 50 feet from all adjacent residential lot lines.

(c) All hydraulic hoists, oil pits, and all lubricants, greasing, vehicle washing and repair equipment shall be enclosed entirely within a building. No outdoor disassembly or repair of motor vehicles shall be permitted.

(d) Activities shall be limited to:

(i) The sale of automotive fuel;

(ii) The servicing of motor vehicles with minor repair work;

(iii) Hand washing of vehicles within an enclosed building;

(iv) The retail sale of vehicle parts and products relating to minor repair work such as, but not limited to, oil, grease, tires, antifreeze, batteries, windshield wipers, etc.

(e) Space for overnight parking, overnight accommodations, or the inclusion of showers within the building shall be prohibited.

(f) Vehicles being serviced or awaiting same shall be stored for no longer than seven days on the site if in unenclosed areas.

(g) The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable federal, state, and local requirements.

(h) The storage of non-operational vehicles for longer than one week shall be permitted if stored in the rear yard and screened by a solid wall or fence with a minimum height of six feet. All vehicles shall be required to have a valid license plate.

(i) Parking, storage, or salvaging of junk vehicles, as defined by the ORC, shall be prohibited unless the activity is within an enclosed building.

(j) Outdoor solid waste and recyclable storage areas shall be screened in accordance with Article 8: Landscaping Standards.

(5) Commercial Entertainment or Recreation (Outdoors)

The following standards shall apply to any outdoor commercial entertainment or recreational uses:

(a) All structures shall be set back a minimum of 100 feet from all lot lines.

(b) Any outdoor areas utilized for such use shall be set back a minimum of 250 feet from all residential lot lines.

(c) The BZA may require portions of the site with high activity areas to be enclosed by a fence having a minimum height of six feet.

(d) The proposed use shall not have a primary access from a local township street.

(6) Day Care Centers (Child or Adult)

(a) All buildings shall be set back a minimum of 50 feet from all other lot lines and 100 feet from any the lot line of any lot occupied by residential uses.

(b) All parking areas shall be set back a minimum of 25 feet from all lot lines.

(c) Day care centers are permitted in residential districts only when accessory to another permitted public and institutional use. See Section 6.1: Accessory Use Regulations.

(d) A drop-off/pick-up location shall be provided to ensure the safety of the children and adults. Such location shall not impede traffic on or off the site

(e) Play structures and other similar apparatus shall not be located closer than 50 feet to any residential property.

(f) The center and its staff shall be in full compliance with all applicable federal, state and local laws and regulations, including facility licensure to begin and continue operation.

(g) The proposed use shall not have a primary access from a local township street.

(7) Funeral Homes or Mortuaries

The following standards shall apply to any funeral homes or mortuaries:

(a) The required number of off-street parking spaces shall be designed in parallel aisles so as to facilitate the structuring of funeral processions that leave from the funeral home site to travel to the cemetery.

(b) The principal building and any accessory structure used in conjunction with the typical activities of a funeral home or mortuary shall be set back a minimum of 50 feet from any adjacent residential lot line.

(c) If the use includes a crematorium, the portion of the building or site used for the crematorium shall be set back a minimum of 250 feet from adjacent residential lot lines.

(d) The proposed use shall not have a primary access from a local township street.

(8) Kennels, Animal Training, and Animal Day Cares

Kennels may be permitted in the AG and R-1 District as an agricultural use if meets the agricultural use exemption requirements of Section 3.2(A). In such cases, the kennel shall not be subject to the standards of this resolution. All other kennels, animal training facilities, and animal day cares shall be subject to the following:

(a) All structures and activities related to the subject kennel use shall be located a minimum distance of 100 feet from side and rear property lines, except that when located adjacent to a residential district, the following additional restrictions shall apply:

(i) All non-soundproofed structures or area where animals are confined shall be located a minimum distance of 500 feet from any residential district.

(ii) Soundproofed, air-conditioned buildings shall be located a minimum distance of 100 feet from any residential district.

(iii) All non-soundproofed structures for the confinement of animals shall be screened by a solid fence or wall a minimum of six feet in height located within 50 feet of the structure.

(iv) Animals shall be confined in an enclosed building between the hours of 10:00 p.m. and 6:00 a.m. of the following day.

(b) There shall be no burial or incineration of animals on the premises.

(9) Microbrewery, Microdistillery, or Microwinery

(a) A microbrewery, microdistillery, and microwinery may be allowed in the B-1 or BMF Districts when the majority of the floor area is dedicated to being used for food service or for the serving of drinks made on site so that the use fits into the retail character of the districts. Drinks made off site may also be permitted provided the majority of drinks offered for sale are made on site.

(b) A microbrewery, microdistillery, and microwinery may be allowed in the AG District provided over 50 percent of the floor area is dedicated to the production of the drinks. The use may include a taproom area to serve customers drinks made on site provided the floor area of the taproom does not exceed 50 percent of the total footprint of the use. Food service may be included within the 50 percent total footprint. Drinks made off site may also be permitted provided the majority of drinks offered for sale are made on site.

(c) The sales of pre-packaged foods, which are exempted from food service regulations, shall not be used in the calculation of floor area dedicated to the use of food service.

(10) Vehicle Sales and Leasing

The following standards shall apply to any vehicle sales or leasing use:

(a) Only repair of vehicles customarily associated with sales or leasing establishments shall be permitted and shall be in compliance with Section 4.8(C)(4).

(b) No scrap metal, scrap or salvaged parts, junk vehicles or used oil, antifreeze, transmission or other such fluids shall be stored outside, above ground, unless completely screened from view.

(11) Veterinary Offices, Animal Hospitals, and Animal Grooming (No Boarding)

The following standards shall apply to any veterinary office, animal grooming use, or animal hospital:

(a) The boarding of animals shall be restricted to short-term overnight lodging only as necessary for animals receiving medical attention, and there shall be no outside runs or kennels associated with the veterinary office.

(b) Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.

(c) All waste material shall be removed from the site on a daily basis and no animal carcass or animal waste shall be buried on site or be allowed to accumulate on the premise.

(D) Miscellaneous Use Classification

(1) Mixed Use Buildings

(a) Developments consisting of multiple principal uses shall incorporate only those use types permitted in the applicable zoning district.

(b) Mixed-use developments may also include attached residential dwelling units, even if not permitted in the applicable zoning district, as part of a mixed-use building where office or nonresidential uses are located on the first floor and residential uses are located on the upper floors.

(c) The presence of a home occupation and/or a residential business in conjunction with a residential use shall not constitute a mixed use/multi-tenant development.

(d) The maximum residential gross density for mixed-use buildings (mix of residential and nonresidential in the same structure) shall be eight dwelling units per acre.

(e) Residential dwelling units shall be prohibited on the first floor of mixed-use buildings.

(f) Mixed use buildings shall be subject to the architectural standards of Article 8: Landscaping Standards regardless if the building contains residential uses.

(2) Mining and Extraction

Mining and extraction activities shall be subject to the conditional use requirements of this resolution and, in making their decision, the BZA may establish any standards or requirements as authorized in ORC Section 519.141.

(3) Wireless Telecommunication Facilities

(a) Purpose

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities as permitted uses and conditional uses depending on the specific land areas of the township in which such facilities are proposed to be located. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996, Public Law 104-104, and the interests of the township in regulating wireless telecommunication towers and related facilities for the following purposes:

(i) To protect property values;

(ii) To regulate a commercial use so as to provide for orderly and safe development within the township;

(iii) To provide for and protect the health, safety, morals and general welfare of the residents of the township;

(iv) To protect residential properties, parks, open spaces and the non-intensive commercial zoning districts which are characteristic of the township from the adverse effects of towers and related facilities;

(v) To promote co-location of wireless telecommunication facilities in order to decrease the number of towers in the township; and

(vi) To maintain, where possible, the integrity of the existing regulations contained in the zoning resolution.

(b) Procedure

Any applicant that plans to construct a wireless telecommunications facility in a C-1, AG, or R-1 District shall provide written notice in accordance with ORC § 519.211(B).

(i) Trustee Action

A. If the Board of Trustees receives notice from a property owner under this section within the time specified or if a board member makes an objection to the proposed location of the telecommunications tower within 15 days after the date of mailing of the notice sent under this section, the Board of Trustees shall request that the Township Fiscal Officer send the person proposing to construct the tower written notice that the tower is subject to a conditional use review (See Section 3.6: Variance or Conditional Use.). The notice shall be sent no later than five days after the earlier of the date the Board of Trustees first receives such a notice from a property owner or the date upon which a Board of Trustees member makes an objection. Upon the date of mailing of the notice to the person, Sections 519.02 to 519.25 of the ORC shall apply to the tower.

B. If the Board of Trustees receives no notice under this section within the time prescribed by that division or no Board of Trustees member has an objection as provided under this section within the time prescribed, the tower or facility shall be allowed as a permitted use.

(c) Conditional Use Review Requirements

All wireless telecommunications towers and facilities that are subject to conditional use review shall submit the following items in addition to the submittal requirements for a conditional use:

(i) The application shall include a detailed description of the wireless telecommunications tower or facility's capacity including the number and types of antenna that it can accommodate.

(ii) The applicant shall demonstrate that the telecommunications tower or facility must be located where it is proposed in order to service the applicant's service area, including an explanation of why a tower or facility and this proposed site is technically necessary.

(iii) Where the wireless telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.

(iv) Documentation shall be provided that certifies the wireless telecommunication facility complies with all current Federal Communications Commission (FCC) regulations for non-ionizing electromagnetic radiation (NIER);

(v) The applicant shall post a performance bond in the amount set by the Board of Trustees for the purpose of insuring that an abandoned, obsolete or destroyed wireless telecommunication facility shall be removed in compliance with Section 4.8(D)(3)(e). Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond.

(d) Development Standards

Any wireless telecommunication tower or facility subject to conditional use review shall be located in the township only in compliance with the following regulations and upon issuance of a zoning certificate from the Zoning Inspector

(i) In order for the BZA to consider the location of a wireless telecommunication tower and facility as a conditional use in a residential district, the applicant shall document that:

A. There is no technically suitable space for the applicant's antenna(s) and related facilities in nonresidential zoning district where wireless telecommunication facilities are permitted; or

B. If an area in a nonresidential zoning district is technically suitable, the applicant shall provide evidence of written contact showing that it has requested all property owners with technically suitable locations to permit it to locate a tower facility in all technically suitable area(s) under reasonable terms and that each request was rejected; or

C. If another tower, building or structure in the township, in an area technically suitable for the facility, the applicant shall provide evidence of written contact showing that it has requested to co-locate on the existing tower(s), building(s) or structure(s) and that each co-location request was rejected by the owner of the tower, building or structure.

(ii) As part of a conditional use approval, the applicant shall submit evidence that a technically suitable location is not available in any area set forth in Section 4.8(D)(3)(d)(i) and shall list the locations of every tower, building or structure and all of the areas set forth in Section 4.8(D)(3)(c)(ii) that could support the proposed antenna(s) so as to allow it to serve its intended function, and the reasons why such towers, buildings, structures or areas have been determined not to be technically suitable, or not available as set forth in 4.8(D)(3)(d)(i).

(iii) As part of a conditional use approval, the owner/operator of the telecommunications tower shall agree to allow co-location until said tower has reached full antenna capacity, but in no event shall the owner/operator agree to allow fewer than two antenna platforms for additional providers unrelated to the owner/operator. The opportunity to co-locate on the tower shall also be made available to the township and/or county safety forces upon request, provided that such use will not interfere with the owner/operator's use or that of any other provider unrelated to the owner/operator. Agreement to this provision shall be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation shall be presented to the Zoning Inspector evidencing that the owner of the property on which the tower is to be located has agreed to the terms of this subsection as well as all other applicable requirements, regulations and standards set forth in this section.

(iv) Towers shall be located, to the extent possible, to minimize any adverse impacts on residential property.

(v) The minimum setback of the tower from all property lines shall comply with the following:

A. A distance equal to the height of the tower plus 50 feet; or

B. When it is demonstrated, because of its design and construction, that in case of collapse, adjacent property will not be affected, the minimum setback shall be 40 feet from any property line abutting a nonresidential lot or 100 feet from any property line abutting a residential lot, provided that the base of the tower and required enclosure shall comply with the front yard setbacks for the district in which it is located.

(vi) All towers shall be of a monopole design. Lattice-type towers shall be prohibited.

(vii) All towers shall be the minimum height necessary for adequate transmission and reception of telecommunication signals and to accommodate the antennae, and shall be no taller than existing towers housing similar antennae. In addition, towers shall comply with the following maximum height requirements, as measured from the neutral grade at the base of the tower:

(viii) The maximum height of any tower shall be 150 feet.

(ix) All poles having a height greater than 95 feet shall be designed to accommodate at least three antennae.

(x) Any accessory structure related to the wireless telecommunication facility shall not exceed a height of 10 feet.

(xi) The base of the tower and all related facilities shall be completely enclosed with a secure, non-electrified, chain linked fence with barbed wire at the top, having a minimum height of eight feet. Such fence shall be completely screened from view by a landscape buffer area of not less than 15 feet in depth, consisting of hardy evergreen shrubbery and other appropriate landscaping that achieves the screening objective. The initial plantings shall be no less than six feet tall and shall be maintained and restored, if necessary.

(xii) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent feasible.

(xiii) The antennae and support structures shall be camouflaged or disguised in order to minimize visibility of the structure and blend, to the maximum extent feasible, with the existing surroundings. At a minimum, towers shall be painted a non-contrasting gray or similar color, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).

(xiv) Wireless telecommunications towers shall be artificially lighted only when the height of the tower is equal to or greater than 100 feet or when required by the Federal Aviation Administration (FAA). Any lighting so required shall be installed to minimize the impact on adjoining properties.

(xv) All buildings and shelters accessory to the wireless telecommunications facility shall comply with the setback regulations set forth in the applicable zoning district. The maximum size of such accessory building or shelter shall be 300 square feet for a single shelter, and a combined total of 750 square feet when more than one wireless telecommunication facilities is located on the site. The outside storage of equipment related to a telecommunications facility shall be prohibited.

(e) Abandoned Telecommunication Facilities

(i) The owner or operator of a wireless telecommunication facility shall notify the township within 30 days of a wireless telecommunication facility's permanent abandonment. Such facility shall be removed by the applicant and the site restored to its original state within 120 days from the date of notification to the township.

(ii) Any tower that has had no antenna mounted upon it for a period of six months, or if the antenna mounted thereon are not operated for a period of three months, shall be considered abandoned, and the owner thereof shall remove the tower within and restore the site to its original state within 120 days after receipt of a notice from the Zoning Inspector to do so.

(iii) In the event that more than one wireless communication service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure as provided in this section.

4.9 AREA, SETBACK, AND OTHER SITE DEVELOPMENT STANDARDS

(A) Measurements, Computations, and Exceptions

(1) Lot Area Measurements

(a) The area of a lot includes the total horizontal surface area within the lot's boundaries.

(b) For nonconforming lots, see Section 11.7: Nonconforming Lots of Record.

(c) With the exception of approval of a smaller lot as part of a planned unit development district or governmental acquisition of land as provided for in Article 11: Nonconformities, no lot shall be reduced in area so that the lot area per dwelling unit, lot width, yards, building area, or other requirements of this resolution are not met.

(2) Lot Width Measurements

(a) The lot width shall be measured as the distance between the side lot lines, as measured along a straight line at the minimum front yard setback line.

(b) For corner lots, the lot width shall be measured as the distance between the side lot line and the front lot line directly opposite, as measured along a straight line at the minimum front yard setback line. See Figure 4.9-A.

Figure 4.9-A: Illustration of the location for measuring the lot width on a typical interior lot (left) and on a corner lot (right).

(3) Setbacks, Yards, and Lot Type Requirements

(a) Yards Required for Buildings

A yard or other open space required for any structure shall be located on the same lot as the structure and shall not include any yard or open space areas from an adjacent lot.

(b) Measurements

(i) Setbacks refer to the unobstructed, unoccupied open area between the furthermost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this resolution.

(ii) When measurements are taken from a front lot line or a lot line along a street, such measurement shall be taken from whichever of the following lines is closest to the building or other point of measurement:

A. The right-of-way line;

B. Public easement line; or

C. The front lot line,

(iii) For the purposes of graphics used throughout this resolution, the front lot line is assumed to coincide with the right-of-way line for illustration purposes only.

(c) Yards and Obstructions

(i) Every part of a required yard shall be open to the sky and unobstructed except:

A. As otherwise provided in this section;

B. For accessory buildings as allowed in Section 6.1: Accessory Use Regulations;

C. For the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting into the yard a distance not to exceed 12 inches;

D. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five feet; and

E. The ordinary projections of chimneys and flues may be permitted when placed so as not to obstruct light and ventilation but not closer than two feet to any lot line.

(ii) Terraces, uncovered porches, platforms and ornamental features which do not extend more than three feet above the floor level of the ground (first) story may project into a required front or rear yard, but shall maintain a minimum of seven feet in setback from the front lot line and three feet from all other lot lines.

(iii) Awnings and canopies may extend into any required setback but shall maintain a minimum setback of one foot from all lot lines.

(d) Front Yard Exception

In any residential zoning district, a minimum front yard setback shall not be required to exceed the average front yard setbacks of lots with similar uses and sharing the same block face, within 150 feet of the applicable lot. Modification of the front yard in accordance with this section will not create a nonconforming lot unless the lot or structure does not meet other applicable provisions of this resolution. See Figure 4.9-B.

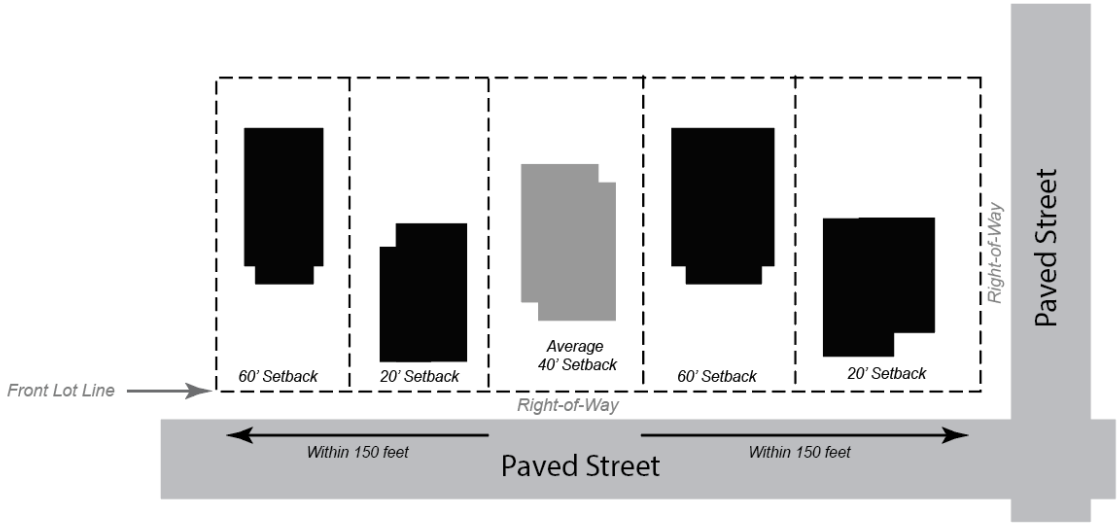

Figure 4.9-B: Illustrative example of the provision for a front yard exception where structures on nearby lots do not meet the minimum front yard setback.

(e) Interior Lots

(i) The required minimum front yard setback shall be measured from the front lot line. See Figure 4.9-C.

(ii) The lot line located directly behind the rear of the structure, as determined by the Zoning Inspector, shall be the rear lot line and the rear yard setback shall be applied. See Figure 4.9-C.

(iii) All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See Figure 4.9-C.

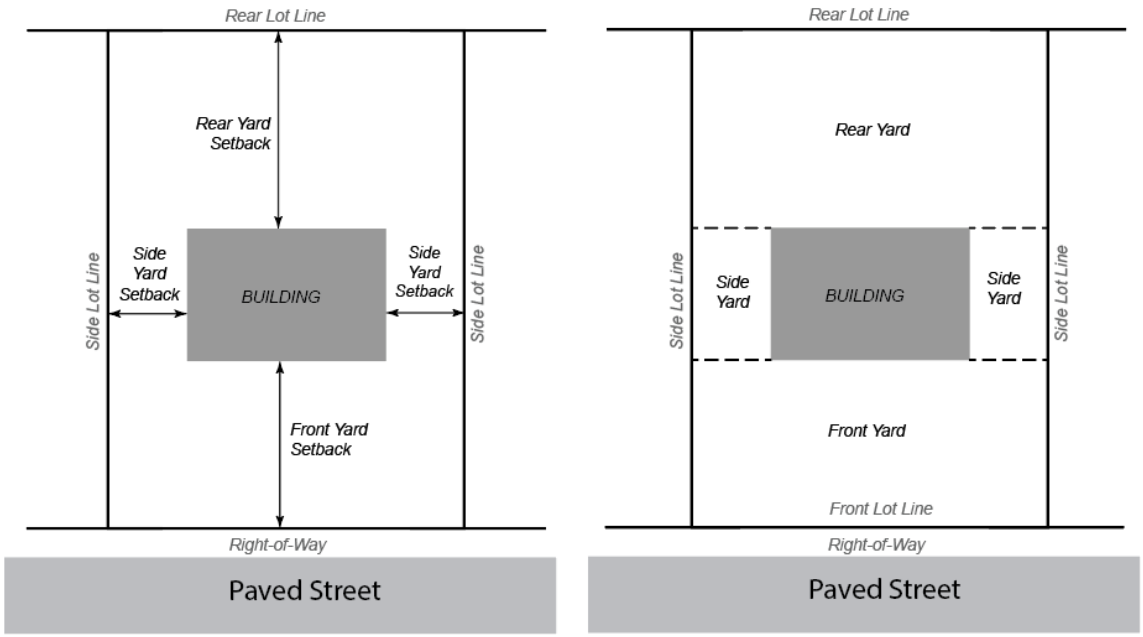

Figure 4.9-C: Typical lot lines and setback locations for an interior lot (left image) and typical yard locations (right image).

(f) Corner Lots

Lots that have street frontage on two intersecting streets shall be considered a corner lot, subject to the following:

(i) The required minimum front yard setback shall be provided from each of the lot lines adjacent to the street. See Figure 4.9-E. The front yard setback requirement for the application district may be reduced using the front yard exception in Section 4.9(A)(3)(d). If an existing building is demolished, any new building may be constructed utilizing the front yard setbacks that were established for the demolished building.

(ii) An alley shall not be considered a street for the purposes of determining a corner lot.

(iii) The lot line that runs parallel with the lot line along the narrowest street frontage shall be the rear lot line and the minimum rear yard setback shall be applied from such lot line. See Figure 4.9-E.

(iv) The principal building is encouraged to be oriented toward the front lot line with the narrowest street frontage, in which case, all other lot lines that are not the rear and front lot lines shall be a side lot line and the minimum side yard setback shall be applied from such lot lines. See Figure 4.9-E.

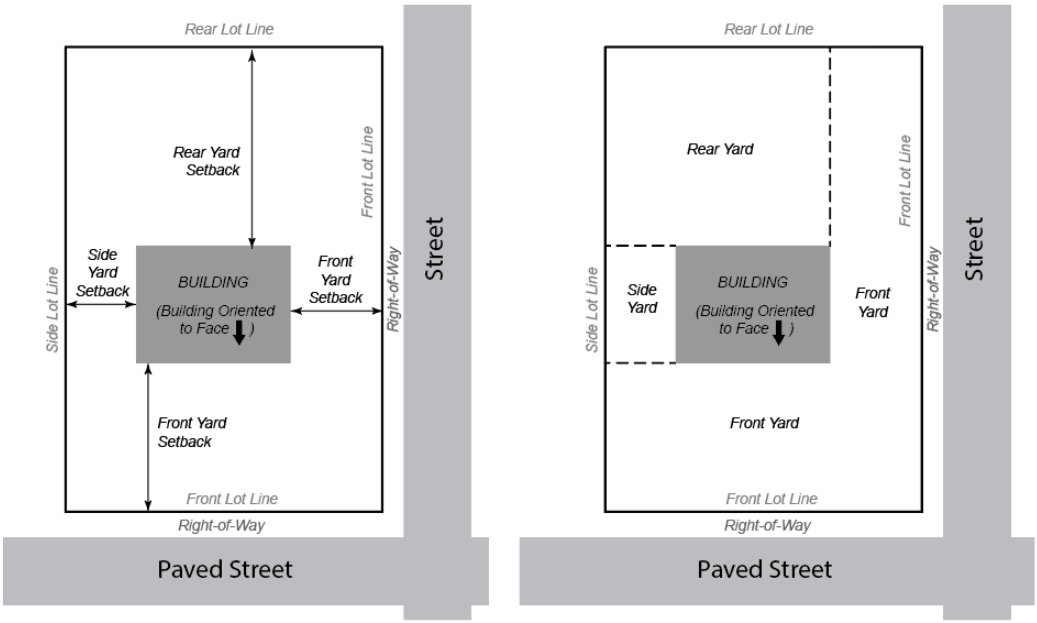

Figure 4.9-D: Typical lot lines and setback locations for a corner lot with the building oriented toward the narrow street frontage (left image) and typical yard locations (right image).

(v) If the principal building is situated so the main entrance and/or primary facade is oriented toward the lot line along the widest street frontage, then the principal structure shall be set back a minimum distance equal to the rear yard setback for the applicable district from all lot lines that are not the front lot lines. See Figure 4.9-E.

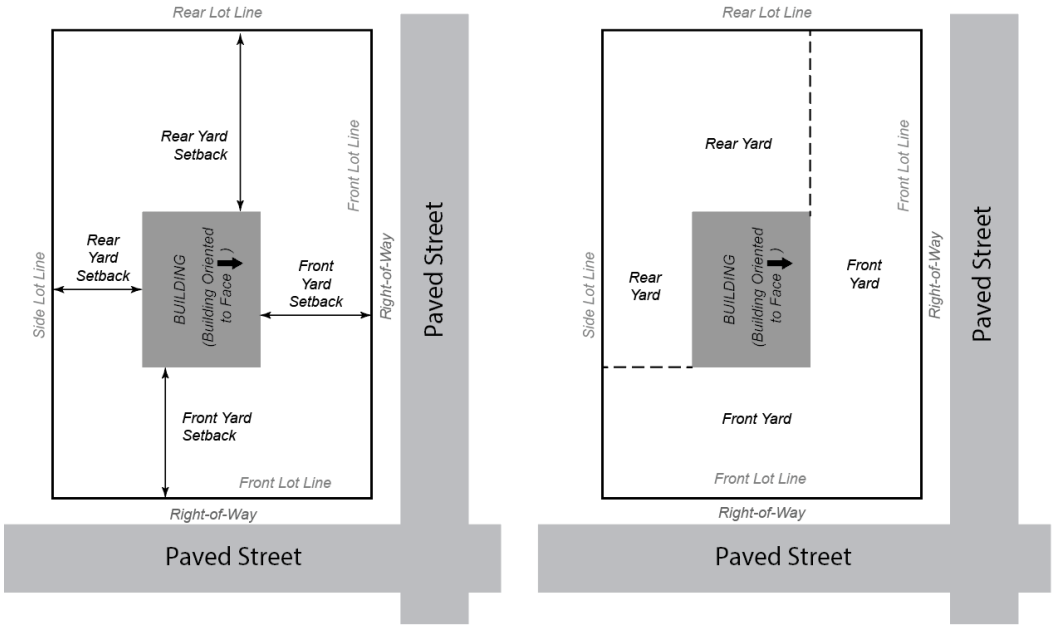

Figure 4.9-E: Typical lot lines and setback locations for a corner lot with the building oriented toward the wider street frontage (left image) and typical yard locations (right image).

(g) Double Frontage (Through) Lots

Double frontage lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Zoning Inspector. Double frontage lots shall be subject to the following regulations:

(i) Where a lot is considered a double frontage (through lot) lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See Figure 4.9-F.

(ii) The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See Figure 4.9-F.

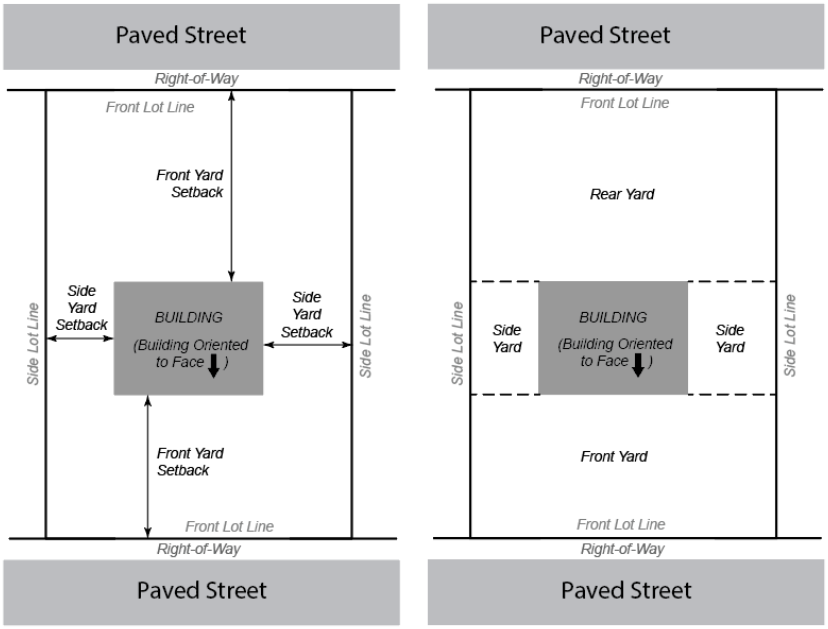

Figure 4.9-F: Typical lot lines and setback locations for a double frontage (through) lot (left image) and typical yard locations (right image). Please note the location of the rear yard for the purpose of accessory use location.

(iii) For the purposes of allowing accessory uses, the yard that is located to the rear of the principal building shall be considered the rear yard but any accessory building or structures shall be required to be set back from the street a minimum distance equal to the minimum front yard setback for principal uses in the applicable district.

(iv) Where alleys exist in the township, any lots that have frontage along the alley shall be not be considered a double frontage (through) lot and shall either be regulated as an interior lot or corner lot depending on the location of the subject lot within the block.

(h) Flag (Panhandle) Lots

Flag (Panhandle) lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Zoning Inspector. Flag (Panhandle) lots shall be subject to the following regulations:

(i) Flag (Panhandle) lots shall not be used to avoid the construction of a street.

(ii) The area of the “panhandle” portion of the lot connecting the lot to the public street shall not be included in the area of the lot for the purposes of determining compliance with the required minimum lot area for the district in which the lot is located.

(iii) The stacking of three or more flag (Panhandle) lots shall be prohibited. See Figure 4.9-G.

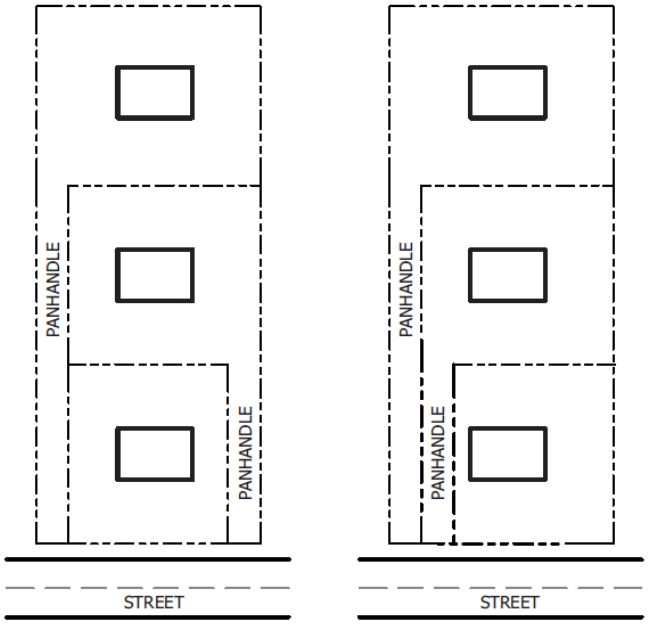

Figure 4.9-G: The above illustration shows the stacking of flag (panhandle) lots, which is prohibited.

A. The panhandle shall have a minimum width of 20 feet along the entire width of the panhandle. The maximum width shall be 40 feet and anything with a width of 40 feet or greater shall be considered an interior, corner, or double frontage lot as may be applicable.

B. No structures, except for fences and walls allowed by this resolution, shall be permitted in the panhandle portion of the lot.

C. The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in Figure 4.9-H.

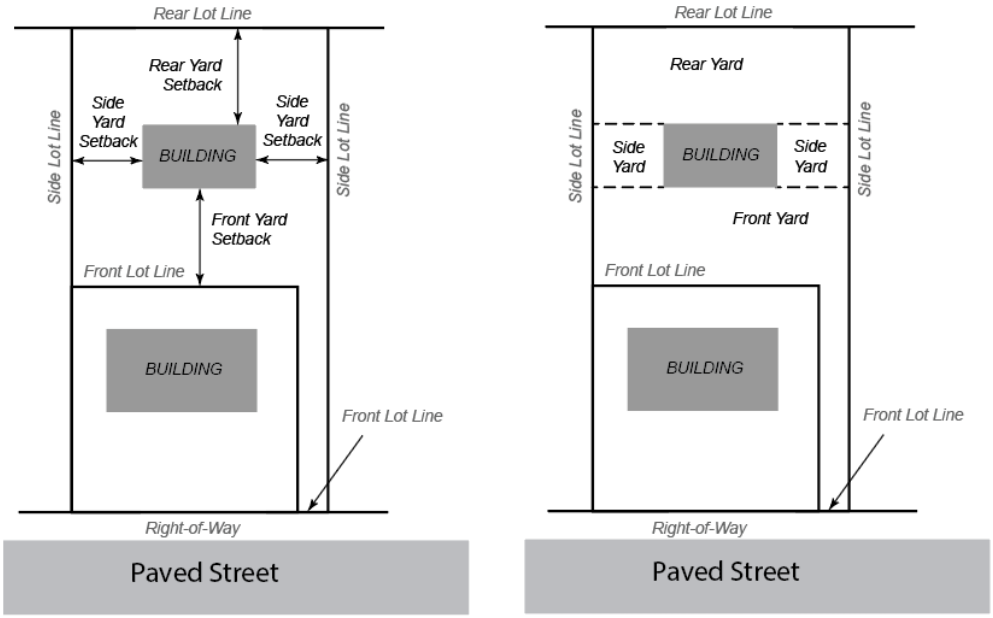

Figure 4.9-H: Typical lot lines and setback locations for a flag (panhandle) lot (left image) and typical yard locations (right image).

(i) Cul-de-Sac or Curved-Street Lot

(i) For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line (lot line). See Figure 4.9-I.

(ii) On a cul-de-sac roadway, knuckle, or eyebrow, the required street frontage shall be required and measured at the street right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.

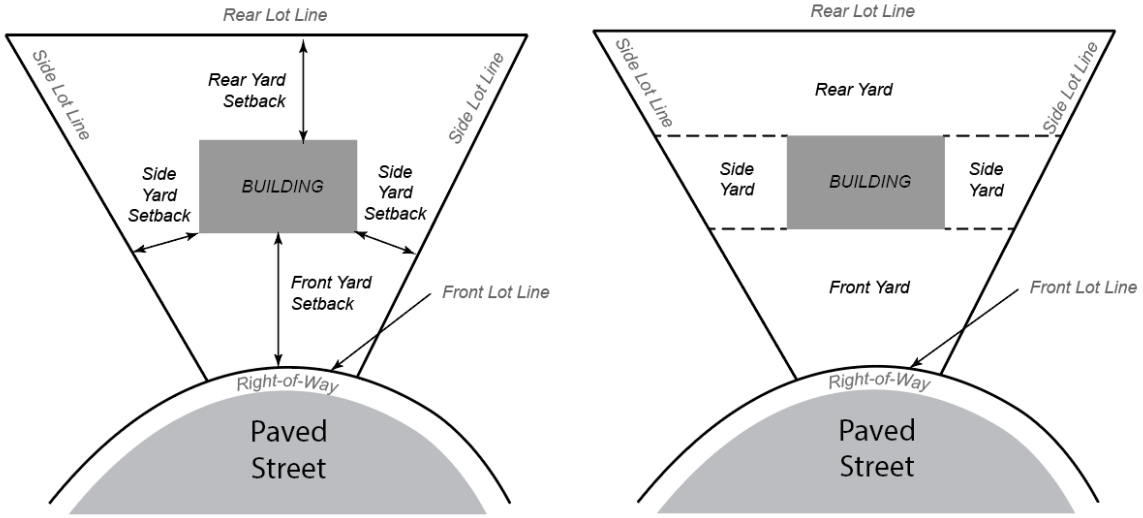

Figure 4.9-I: Typical lot lines and setback locations for a lot with a curved frontage (left image) and typical yard locations (right image).

(j) Other Lot Configuration

For any type of irregular lot not addressed in this section, the Zoning Inspector shall determine the location of the front, side, and rear yard taking into consideration the effect on adjoining properties.

(4) Height Measurement and Exceptions

(a) Height Measurement

(i) Where specified in stories, building height shall be measured in number of stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, and at-grade structured parking. This excludes features that are less than one-half story or completely below grade, such as basements, cellars, crawl spaces, sub-basements, and underground parking structures.

(ii) Where specified in feet, the building height shall be measured from the average grade at the corners of the structure to the highest point on the roof, regardless of roof type. See Figure 4.9-J.

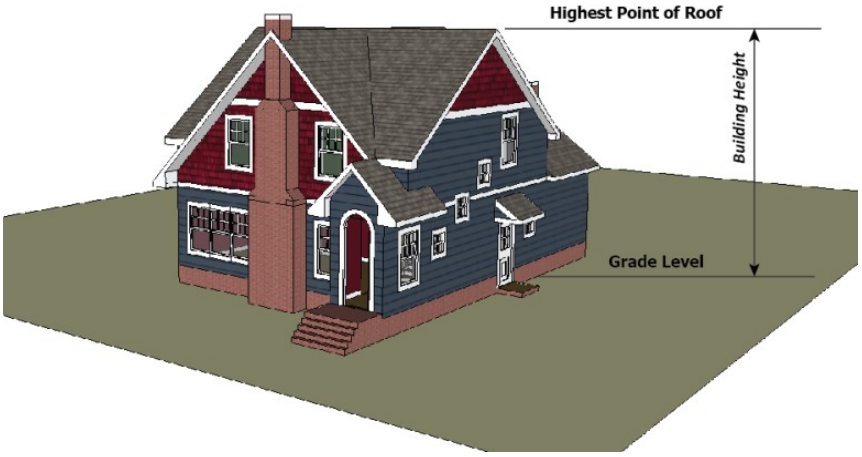

Figure 4.9-J: Measurement of building or structure height

(b) Where specified, fencing and wall height shall be measured in accordance with Section 7.4: Fencing, Walls, and Hedges.

(c) The height of all other structures shall be measured from the lowest grade adjacent to the structure to the highest point of the structure.

(d) Exceptions to Height Limits

Height limitations stipulated in this resolution shall not apply:

(i) To barns, silos or other agricultural buildings or structures on farms (not located in an improved platted subdivision); to church spires, belfries, cupolas and domes, monuments, chimneys, smokestacks, flag poles; to parapet walls extending not more than four feet above the limiting height of the building.

(ii) To bulkheads, elevator penthouses, water tanks, monitor and lookout towers, provided:

A. The height of any such structure shall not be greater than the number equal to the height of the first story of the principal structure; and

B. The total footprint of the structure shall not exceed 60% of the footprint of the principal structure and shall have the same materials as the principal structure unless an alternative material is approved by the Zoning Inspector.

(B) Site Development Standards

(1) Table 4-3 establishes the minimum site development standards for all zoning districts.

(2) All dwellings shall have at least one story above ground level.

TABLE 4-3: SITE DEVELOPMENT STANDARDS FOR ALL ZONING DISTRICTS

	Minimum Lot Area (Square Feet) [1]	Minimum Lot Width (feet)	Minimum Setbacks			Max. Building Height (feet)
			Front Yard (feet)	Side Yard Each Side (feet)	Rear Yard (feet)	
Conservation District (C-1)						
Single-Family Dwellings	Single-family dwellings shall comply with the site development standards for principal uses in the R-1 District					
All Other Principal Uses	None	None	35	15	15	35
Agricultural District (AG)						
All Principal Uses	130,680 (3 Acres)	150	60	20	60	35
General Residential District (R-1)						
All Principal Uses with Public Water and Sewer	12,000	90	40	15	45	35
All Principal Uses with Only Public Water or Public Sewer	14,000	90	40	15	45	35
All Other Principal Uses	22,000	125	40	15	45	35
General Business District (B-1)						
Single-Family or Two-Family Dwellings	Single-family dwellings and two-family dwellings shall comply with the site development standards for principal uses in the R-1 District					
All Other Principal Uses	None	None	25	0 [2]	20	35
Business Multi-Family District (BMF)						
Single-Family or Two-Family Dwellings	Single-family dwellings and two-family dwellings shall comply with the site development standards for principal uses in the R-1 District					
Multi-Family Dwellings	22,000	80	25	15	45	35
All Other Principal Uses	None	None	25	0 [2]	20	35

NOTES:
[1] Knox County Public Health or the Ohio Environmental Protection Agency may require a larger lot area than established for the applicable zoning district if an on-site wastewater system (e.g., septic system) is required. In such cases, the lot area required by Knox County Public Health or the Ohio Environmental Protection Agency, as applicable, shall be the minimum lot area required for the applicable lot.
[2] Where a lot with a nonresidential use is adjacent to a lot that is zoned residential or that contains a residential use, then then there shall be a minimum side yard setback of 15 feet.

(C) Floor Area Requirements

(1) Calculation

(a) Where there is a gross floor area requirement, the gross floor area shall be calculated as the sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls of a building or from the center line of a common wall separating two or more units of a building, including accessory storage areas located within selling or working space, but not including space in cellars or basements, space in machinery penthouses or floor space used for accessory off-street parking.

(b) Where a floor area requirement is established for dwelling units, the minimum floor area of a dwelling unit shall include all finished and habitable spaces including the basement floor area when more than one-half of the basement height is above the finished lot grade level at the front of the building.

(c) Garages, outdoor patios, porches, or decks, and accessory buildings shall not be included in the minimum floor area of a dwelling.

(2) Maximum Gross Floor Area

The maximum gross floor area of commercial or office use that is reviewed as a conditional use in the AG District shall be 10,000 square feet.

(3) Minimum Floor Area Requirements for Dwelling Units

(a) Single-family dwellings shall have a minimum floor area of 1,200 square feet.

(b) Two-family dwellings shall have a minimum floor area of 1,000 square feet per dwelling unit.

(c) Multi-family dwellings shall have a minimum floor area of 570 square feet per dwelling unit.

Article 5: Planned Unit Development (PUD) District

5.1 Establishment and Purpose of Planned Unit Development District

(A) Purpose

In order to fully provide for the purpose and intent of this resolution as outlined in Section 1.1: Purpose, while also providing for some level of flexibility in meeting the standards established within this resolution, Howard Township has established options for planned unit development districts. The overall purpose for these districts is to encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in the planning and building of all types of development. Regulations set forth in this article are adopted to accommodate unified planning and development that are consistent with existing established land use patterns in Howard Township or those proposed in the comprehensive plan. The township's character is related to the physical attributes of the township, including its land use patterns and natural resources. The planned unit development districts are intended to achieve the following land use objectives:

(1) Encourage the protection of open space by permitting developments clustering housing and development to accommodate the provision of open space when it helps maintain the agricultural and rural feel of Howard Township;

(2) Permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation; the provision of readily accessible open space and recreation areas; and the creation of functional and interesting activity areas;

(3) Promote economical and efficient use of land and reduce infrastructure costs through unified development;

(4) Respect the character of surrounding developments by providing appropriate buffers as a transition to higher density uses;

(5) Provide for flexibility in situations where existing development, subdivided lots, or base zoning district requirements may limit the potential for future development; and

(6) Provide a higher level of design review to ensure attractive, well-planned developments and eliminate the barriers to creative and sensitive design that may exist when attempting to comply with conventional district standards and subdivision rules.

(B) Types of Planned Development Districts

There are three types of PUDs provided for in Howard Township as outlined below:

(1) AV-PUD: Apple Valley PUD that provides for the Apple Valley development, which was designed and developed prior to the establishment of zoning in Howard Township;

(2) R-PUD: Residential Planned Unit Development Districts that allow for residential uses, open space, and public and institutional uses; or

(3) B-PUD: Business Planned Unit Development Districts that allow for the flexible development of commercial, office, industrial uses, and mixed-uses.

(C) Deviation from Standards

(1) The Zoning Commission and Board of Trustees may approve deviations from any of general development standards in this article.

(2) Such deviation must be reviewed and approved as part of the development plan.

(3) In approving a deviation from these standards, the Zoning Commission and Board of Trustees must find that:

(a) The proposed alternative achieves the purposes of the PUD district to the same or better degree than the subject standard;

(b) The proposed alternative achieves the goals and intent of this resolution and the growth management plan to the same or better degree than the subject requirement; and

(c) The proposed alternative results in benefits to the township that are equivalent to or better than compliance with the established standard.

5.2 APPLE VALLEY PLANNED UNIT DEVELOPMENT DISTRICT

(A) The AV-PUD was established prior to the adoption of township zoning in Howard Township and the AV-PUD has been established to protect the development as it exists at the time of the adoption of this resolution.

(B) The AV-PUD shall be allowed to continue as platted and shall be subject to the specific standards under this section unless otherwise noted in this resolution.

(C) Any modification of the AV-PUD shall be reviewed in accordance with 5.5: Modifications to Approved Development Plans.

(D) The township shall be responsible for administering and enforcing the provisions within this section as it relates specifically to the AV-PUD. Property owners with the AV-PUD may be subject to additional covenants, reviews, or requirements set out by the Apple Valley Property Owners' Association rules, deed restrictions, or other private covenants but such rules shall not be enforced by the township. See also Section 1.6.

(E) Where this resolution establishes standards for certain development or activity that is not addressed within this section or in any private rules, deed restrictions, or other private covenants, the standards of this resolution shall be applied and enforced by the township.

(F) AV-PUD Standards

(1) One single-family dwelling, and its accessory uses, shall be permitted on any lot that was recorded as part of the original plat maps. Each single-family dwelling shall comply with the following:

(a) Every dwelling shall have not less than 1,200 square feet of living area. This areas shall be exclusive of basements, porches, breezeways, carports, patios, pool areas, garages and other accessory uses.

(b) No dwelling shall exceed two stories tall or 35 feet in height as measured from the basement floor, crawl space floor, or slab floor.

(c) No garages shall be more than 24 feet in height measured from the basement floor, crawl space floor, or slab floor.

(2) Active parks and recreation facilities, passive parks, recreation, and open spaces, and community centers are permitted as a principal use on any lot owned by the Property Owners Association for the common use of all owners within the AV-PUD.

(3) Docks and seawalls constructed at the lake are permitted but do not require a zoning certificate or review by Howard Township.

(4) Continuous concrete footer and block or concrete foundation is required on all dwellings, garages, and boathouses exceeding 180 square feet.

(5) All exterior walls shall be supported on a footer extending at least 34 inches below finish grade and in addition, a minimum of 24 inches below natural grade on solid, stable undisturbed natural soil. In all cases, the footer must be placed at least eight inches below frost line.

(6) All principal buildings shall be set back a minimum of 25 feet from the front lot line, and eight feet from all other lot lines.

(7) Fences and walls are prohibited in the front yard and may not be constructed within any easement or setback.

(8) No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except dogs, cats, or other household pets. For the purposes of this section, “household pet" means a fully domesticated animal owned by you for personal companionship, such as a dog, a cat, a reptile, a bird, or a rodent. Household pet does not include any type of horse, cow, pig, sheep, goat, chicken, turkey, or captive fur-bearing animal, or any animal commonly kept for food or profit.

(9) All accessory uses shall be subject to Section 6.1: Accessory Use Regulations.

5.3 New PUD Applicability

The following standards shall apply to any application for an R-PUD or B-PUD

(A) An application for a PUD shall be for property that is under a single ownership or, if under several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed PUD boundaries.

(B) All PUDs shall be served by public water and sewer systems.

(C) The minimum gross area of a proposed site for a PUD shall be 10 acres. Such proposed site may include the grouping of multiple lots that are smaller than 10 acres.

(D) The Zoning Commission may authorize review of a tract of land smaller than 10 acres if, upon written request by the owner of land, they find that either:

(1) The requested smaller land area has unique natural features that would not be preserved if the parcel were developed as a conventional subdivision; or

(2) The ownership of the property and surrounding land and/or other use and development restrictions abutting the property reasonably prevent the applicant from acquiring the additional land necessary to satisfy the minimum area required.

(E) All land within the PUD shall be contiguous in that it shall not be divided into segments by existing or proposed limited access highways, arterial streets, and other streets except local and collector streets, or any tract of land (other than roads or right-of-way for utility or related purposes) not owned by the developer of the PUD. The determination of local streets for the purposes of this provision shall be based upon the specifications of the Knox County Subdivision Regulations.

5.4 PUD District Review Procedure

The following procedure shall apply to any application for a new PUD after the effective date of this resolution.

(A) PUD Initiation

(1) A PUD District may be initiated by the property owner or an agent of the property owner.

(2) All PUD District applications shall be subject to Section 3.3: Common Review Requirements.

(B) Step 1 – Pre-Application Conference (Required)

(1) The applicant is required to meet with the Zoning Commission to discuss the initial concepts of the proposed amendment and general compliance with applicable provisions of this zoning resolution prior to the submission of the application.

(2) The applicant is also encouraged to, but not required, to meet with the Knox County Regional Planning Commission staff, the Knox County Engineer, and any other agencies that may have jurisdiction over the development regarding land use, subdivision, and infrastructure to discuss the initial concepts of the proposed amendment and general compliance with applicable provisions of this zoning resolution prior to the submission of the application.

(3) Discussions that occur during a pre-application conference or any preliminary meeting with the Zoning Commission, or any representative of the township, are not binding on the township and do not constitute official assurances or representations by Howard Township or its officials regarding any aspects of the plan or application discussed.

(C) Step 2 – PUD District Zoning Map Amendment and Development Plan Application

(1) Applications for a PUD District shall be submitted to the Zoning Commission at the township offices.

(2) The application shall include all such forms, maps, and information, as may be prescribed by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.

(3) Each application shall be signed by at least one of the owners, or the owners authorized agent of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.

(4) All applications shall be submitted with the required fees as established in the Howard Township fee schedule.

(D) Step 3 – Referral to the Knox County Regional Planning Commission

(1) Within five days after the filing of an application (Step 2), the township shall transmit a copy thereof to the Knox County Regional Planning Commission.

(2) The Knox County Regional Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed PUD District and development plan, and shall submit such recommendation to the Zoning Commission.

(3) Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.

(E) Step 4 – Public Hearing and Recommendation by the Zoning Commission

(1) Upon the filing of a PUD District zoning map and development plan (Step 2), the Zoning Commission shall set a date for a public hearing regarding the proposed amendment and development plan.

(2) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was submitted.

(3) Notification shall be given in accordance with the ORC.

(4) Within 30 days after completion of the Zoning Commission's public hearing, the Zoning Commission shall recommend the approval, approval with modifications, or denial of the proposed PUD District zoning map amendment and development plan, and submit such recommendation together with such application, development plan, and recommendation of the Knox County Regional Planning Commission to the Board of Trustees.

(F) Step 5 – Public Hearing and Decision by the Board of Trustees

(1) Upon receipt of the recommendation from the Zoning Commission (Step 4), the Board of Trustees shall set a time for a public hearing on such proposed PUD District zoning map amendment and development plan.

(2) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.

(3) Notification shall be given in accordance with the ORC.

(4) Within 20 days after its public hearing, the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission, or adopt some modification thereof. If the Board of Trustees denies or modifies the Zoning Commission's recommendations, the majority vote of the Board of Trustees shall be required.

(5) Approval of the development plan shall include density, intensities, land uses and their inter-relationship, general design standards, and building locations. Location of buildings (if applicable) and uses may be altered slightly due to engineering feasibility after approval.

(6) The Board of Trustees' decision on the PUD District zoning map amendment and the development plan is a legislative action of the Board of Trustees and is subject to the same effective date and referendum provisions as set forth in Section 3.5(C): Effective Date, Referendum. After approval of the PUD zoning map amendment and development plan, and after the subsequent referendum period has ended, the zoning map shall be changed to reflect this amendment.

(7) In approving a development plan, the township shall establish the maximum gross density of the PUD. The project density approved by the Board of Trustees in the development plan shall be subject to the application of the development standards of this resolution and any conditions of the approved development plan. If, upon the application of the development standards and the conditions of the approved plan, the applicant cannot achieve the maximum approved density, then the applicant shall be limited to the density achieved from the application of the standards and any conditions.

(G) Time Limits

(1) A final subdivision plat shall be submitted within 30 months after approval of the development plan, or the approval of the development plan will expire and the plan will be deemed null and void.

(2) Upon expiration of the development plan, the property shall still be zoned as the applicable PUD sub-type with a voided development plan. The property owner or authorized agent may submit an application and new development plan for consideration pursuant to this article, or an application for a zoning map amendment to another district.

(3) Upon the expiration of the development plan, the Board of Trustees or the Zoning Commission may also initiate a zoning map amendment to change the PUD District zoning on the property to another zoning district.

(4) An applicant can request an extension of any applicable time limit by requesting a status review of the PUD District with the Zoning Commission and requesting an extension as part of that review.

(H) Phased Developments

(1) For phased developments, the Zoning Commission and Board of Trustees may approve a phased development plan schedule as part of the development plan approval. In such case, the approved time frames shall establish when the approved development plans shall expire.

(2) When an applicant proposes to complete the project in phases, each phase shall have adequate provision for access, open space, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth in this article. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property. The open space areas shall be reasonably proportioned in each phase of the project, and the proposed construction of any recreation facilities shall be clearly identified on a phasing plan.

(I) Approved Plans Stay with Land

Approved development plans shall be attached to the land for which the plans were approved, regardless if the land ownership, developer, or applicant changes.

(J) Required Conditions for the Issuance of a Zoning Certificate

(1) A zoning certificate may be issued for a structure in a PUD District, in accordance with an approved development plan, following approval by the Knox County of a final subdivision plat for that portion of the PUD District within which the proposed structure is to be located, and recording of the approved subdivision plat.

(2) No zoning certificate shall be issued for any property in a PUD District, and no construction, except preliminary excavation, shall begin until an approved development plan is in effect for that phase or property.

5.5 MODIFICATIONS TO APPROVED DEVELOPMENT PLANS

The following shall apply to any request for a modification of a previously approved PUD, including the AV-PUD:

(A) If an applicant proposes to modify an approved development plan, the applicant shall submit the proposed modifications to the Zoning Inspector for transmittal to the appropriate authority based on paragraphs (C) and (D) below.

(B) The proposed modifications shall be classified as a minor or major modification based on the following:

(1) Minor Modifications

Minor modifications shall include, but are not limited to, changes that do not involve:

(a) Changes to the approved plan including, but not limited to, a change of use or density to a more intense use or density than permitted by the approved development plan or changes to the location or amount of land designated for a specific land use or open space;

(b) A reduction of more than 10 percent in the number of parking spots;

(c) A change of the permitted uses to a use not otherwise permitted in the proposed PUD District;

(d) Any change that will increase demand on any on- or off-site infrastructure;

(e) Moving a building closer to any of the perimeter lot lines adjacent to properties outside of the boundary of the PUD District; or

(f) An expansion of a building footprint that affects the specified setbacks of the approved plan.

(2) Major Modifications

Major modifications shall include, but are not limited, to:

(a) A change in density or intensity;

(b) Changes to the property or project boundaries of the entire PUD District;

(c) Modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations;

(d) Anything not classified as a minor modification above; or

(e) Any change that the Zoning Commission determines, after review, should be forwarded on to the Board of Trustees as a major modification.

(C) Review of Minor Modifications

(1) The Zoning Commission shall be responsible for reviewing and making a decision on minor modifications to an approved development plan.

(2) Such review and decision shall take place at a public meeting of the Zoning Commission and shall not require any additional notice beyond what is required by the ORC for public meetings.

(3) The decision of the Zoning Commission on minor modifications shall be deemed administrative.

(4) If a development plan is amended, any future subdivision or zoning certificate approval shall comply with the amended development plan.

(D) Review of Major Modifications

Major modifications shall require a public hearing with the Zoning Commission and Board of Trustees to revise the development plan pursuant to Section 3.5, with the following provisions:

(1) The new plan shall not be subject to review by the Knox County Regional Planning Commission; and

(2) Major modifications shall be subject to new application fees.

(E) If a development plan is amended, any future subdivision or zoning certificate shall comply with the amended development plan.

5.6 REVIEW CRITERIA FOR A PUD DISTRICT APPLICATION

The following criteria shall serve as conditions for the review and recommendation or decision on the development plan:

(A) The PUD and development plan are consistent with the intent and purpose of this resolution and, in particular, the furtherance of the purpose of the PUD as set forth in Section 5.1(A): Purpose.

(B) The PUD and development plan are consistent with any plans adopted by Howard Township or, where applicable, Knox County;

(C) The internal streets and primary and secondary roads that are proposed are adequate to serve the proposed development and properly interconnect with the surrounding existing road network. The plan must demonstrate that improvements or other actions have been or will be taken to mitigate those traffic problems identified by the Zoning Commission, and in the traffic impact analysis, if required, that are attributable to the proposed development;

(D) The proposed infrastructure, utilities, and all other proposed facilities are adequate to serve the planned development and properly interconnect with existing public facilities;

(E) The proposed uses, location and arrangement of structures, lots, parking areas, walks, open spaces, landscaping, lighting and appurtenant facilities are compatible with the surrounding land uses;

(F) Required open space areas are identified and provisions have been made for the care and maintenance of such areas;

(G) The design and layout of the open space areas incorporate existing natural resources in a method that provides benefit to the overall community while ensure long time protection of the resources;

(H) That any exception from the design standards provided in the PUD District is warranted by the design and amenities incorporated in the development plan;

(I) That any part of the PUD not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the Zoning Commission and Board of Trustees, left in its natural state; and

(J) The development plan has been transmitted to all other agencies and departments charged with responsibility of review.

5.7 CRUCIAL FEATURES OF THE PUD DISTRICT

(A) The township may incorporate a list of "crucial features of the PUD District" as part of a development plan approval.

(B) The crucial features of the PUD District are those items or features that the township finds crucial or indispensable to the PUD District approval and as such, the township finds that such items or features shall not be altered in the future unless undertaken as a major modification to the PUD District. Such crucial features may include, as an example, the amount and/or location of open space, density, protected natural resources, or other key elements of the development.

(C) The Zoning Commission may include a recommendation on the list of crucial features as part of their overall recommendation to the Board of Trustees, which the Board of Trustees may adopt within their decision. The Board of Trustees shall also have the authority to modify the list of crucial features the Zoning Commission includes in its recommendation or create its own list of crucial features as part of the Board of Trustee's decision.

(D) If a list of crucial features is included in the decision on the development plan, such list shall be placed in a prominent position on the drawings submitted as part of the PUD records.

5.8 PUD DEVELOPMENT STANDARDS

The following standards apply to all R-PUDs or B-PUDs:

(A) Permitted Uses

(1) The following is a list of uses allowed in each type of planned development district subtypes.

(a) R-PUD: Residential Planned Unit Development District

Any uses that fall within the following use classifications in Table 4-2 may be considered in a R-PUD District:

(i) Agricultural use classification;

(ii) Residential use classification; and

(iii) Public and institutional use classification.

(b) B-PUD: Business Planned Unit Development District

(i) Any uses that fall within the following use classifications in Table 4-2 may be considered in a B-PUD District:

A. Agricultural use classification;

B. Residential use classification;

C. Public and institutional use classification;

D. Commercial and office use classification; and

E. Industrial use classification.

(ii) Mixed use buildings and multi-tenant developments from the miscellaneous use classification are also allowed in the B-PUD Districts.

(2) Limiting Permitted Uses

As part of the review of a PUD development plan application, the Zoning Commission and Board of Trustees may identify uses that are permitted within a specific PUD type that should be limited (with set conditions) or prohibited within the proposed PUD preliminary plan application. Any such limitations and conditions shall be established in the approval of the PUD development plan.

(3) Accessory Uses and Structures in a PUD District

Accessory uses in a PUD District shall be subject to the following standards:

(a) Accessory uses and structures related to single-family dwellings in a PUD District shall be subject to the standards applied to accessory uses in the R-1 District.

(b) Accessory uses and structures related to multi-family dwellings or nonresidential uses in a PUD District shall be subject to the standards applied to accessory uses in the BMF District.

(B) Development Standards

Except as otherwise authorized by the Zoning Commission and the Board of Trustees, PUD Districts shall comply with the following development standards:

(1) Density and Intensity of Uses

(a) All PUDs shall comply with the standards set forth in Table 5-1.

(b) All open space required by this section shall be subject to Section 5.9: Open Space Standards.

TABLE 5-1: PUD DENSITY AND INTENSITY STANDARDS

PUD District Type	Minimum Open Space Required (Of Total Site)	Maximum Gross Density (Total Site)	Maximum Building Height
R-PUD	20%	4 units per acre	35 feet
B-PUD	No minimum open space is required and there is no maximum density applicable but the maximum lot coverage by buildings, pavement, and other hard surfaces shall not exceed 75% of the total site.		45 feet

(2) Permitted Number of Dwelling Units

(a) The maximum permitted number of dwelling units in a R-PUD project shall be calculated by multiplying the total area of "residential developable land" by the maximum gross density. For the purposes of this calculation, "residential developable land" is any land area except land that is designated as or for:

(i) Rights-of-way that exist prior to the application, but not including rights-of-way that will be proposed as part of the application;

(ii) Land that is the floodway or other areas that are not developable for residential units due to state or federal standards;

(iii) Land that is permanently conserved; and

(iv) Land designated solely for nonresidential development.

(b) The permitted number of dwelling units may be located on any size lot or in any area of the development in accordance with this article and outside of the required minimum open space area.

(3) Lot Standards

(a) The minimum lot area for any single-family dwelling shall be 5,000 square feet with a minimum lot width of 50 feet.

(b) There shall be no minimum lot area or lot width for all other uses.

(c) For all uses:

(i) There shall be a minimum front yard setback of 25 feet.

(ii) There shall be a minimum side yard setback of five feet from all side lot lines.

(iii) There shall be a minimum rear yard setback of eight feet.

(iv) If no right-of-way exists, the minimum front yard setback shall be 25 feet from the edge of pavement or the back of any easement the county may require along the street for the purposes of utilities, whichever is greater.

(4) Lot Standards for Nonresidential Uses

There shall be no minimum lot area or lot width requirements for nonresidential uses.

(C) Street, Drive, and Sidewalk Requirements

(1) General Street and Drive Design Criteria

(a) The area of the proposed project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.

(b) Street alignments should follow natural contours and be designed to conserve natural features.

(c) The locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers.

(d) Private streets are discouraged but may be considered during the PUD approval. Any private street shall be required to be constructed to meet the street design standards for public streets as established by the Knox County Subdivision Regulations.

(e) Dead-end streets shall be prohibited, except as stub streets.

(f) Permanent cul-de-sac streets are strongly discouraged and should only be utilized in instances where they are necessary due to topography, configuration of land, existing road layouts or other special circumstances. The Zoning Commission and Board of Trustees may require stub streets to extend to the development boundaries for planned road connections.

(2) Pedestrian Circulation, Walkways, and Trails

(a) A pedestrian circulation system shall be included in a PUD District and should be designed to ensure that pedestrians can walk safely and easily throughout the development, without having to walk or utilize the street for travel. The pedestrian system should provide connections between properties and activities or special features within common areas and need not always be located along streets. If the pedestrian system intersects a public or private street within the development, “pedestrian crossing” signs shall be posted.

(b) A trail system may be provided within the area of open space. The system should be designed to minimize disturbance of the site with regard to the natural drainage system and topography. To the maximum extent feasible, natural materials should be used in the construction and maintenance of the trail system.

(c) When developed adjacent to contiguous to a public trail, park, or recreation area, the development shall provide pedestrian access from the development to the public area by way of connecting walkway, trail, boardwalk, or bridge.

5.9 OPEN SPACE STANDARDS

The following standards apply to any open space established in R-PUDs or B-PUDs:

(A) Purpose

This section addresses the character and design of those portions of a development that are not occupied and do not have platted lots or streets and that are reserved for parks, trails, landscaping, and other common open space uses. This section also establishes ownership and minimum maintenance standards for homeowner associations, property owner associations, and nonresidential property owners related to open space.

(B) Required Areas to be Placed in Open Space

(1) In general, required open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.

(2) Floodways, as established by FEMA and administered by Knox County, shall preserved within open space areas. Floodplains, as established by FEMA and administered by Knox County, are encouraged to be preserved as open space areas.

(3) Retention or naturalized stormwater management areas that are designed to be an amenity, as determined by the Zoning Commission, can be considered as open space, including any ponds or lakes.

(4) In the case of phased developments, open space shall be provided in proportion with each developed phase.

(5) The overall design of open space versus developed areas should be accomplished, to the maximum extent feasible, in a manner that will hide any developed areas behind trees and landscaping to maintain a rural or agricultural character along the road.

(C) Areas Not Considered Required Open Space

Areas that specifically shall not be considered required open space include:

(1) Private and public streets, and associated rights-of-way;

(2) Public or private parking areas, access ways, and driveways;

(3) Required setbacks between buildings, parking areas, and project boundaries;

(4) Required setbacks between buildings and streets;

(5) Required minimum spacing between buildings and parking areas;

(6) Private yards, including front, back, and side yards;

(7) Small, lineal strips of land, generally located along lot lines, that do not protect natural resources (e.g., slopes, existing vegetation, etc.) and are maintained in a similar fashion as the adjacent yards (e.g., mowed);

(8) Leftover pieces of land, post platting of lots, that do not provide any amenity or purpose to the overall PUD design;

(9) Land that is subject to preexisting conservation easements or similar limitations on development; and

(10) Above ground buildings, pipes, apparatus, and other equipment for community or individuals, septic or sewage disposal systems.

(D) Use of Open Space

Any area designated for required open space:

(1) Shall be preserved in its natural state with the exception that trails and walkways may be established within the open space;

(2) Shall be designed and intended for the use of residents of the proposed development and/or the general public;

(3) May be utilized for farming when authorized in a conservation easement or in a homeowners' association's covenants and restrictions;

(4) May be used for underground drainage fields for individual or community septic systems or other underground components of on-site septic systems. Other components of on-site sewage disposal septic systems that extend above grade and are visible may not be within required open space. Easements shall be required to enable the maintenance of these facilities;

(5) May be utilized as wet or dry stormwater management ponds or basins. These ponds or basins may be located partially or entirely within the required open space. Easements shall be required to enable the maintenance of these facilities; and

(6) May be used as active recreation areas. These active recreation areas shall be located in areas with the least impact on natural amenities and wildlife habitats, of a useable size and shape for the intended purpose, and limited to 20 percent of the total acreage devoted to required open space.

(E) Design Standards for Open Space

Land set-aside as open space shall comply with the following standards:

(1) All areas of open space shall be accessible to residents or users of the development by providing at least 15 feet of frontage on a public road, or in the case of a mixed-use development, 15 feet of frontage on a public road or internal access drive.

(2) Areas of open space in residential subdivisions (of any type) shall be no less than 10,000 square feet in size.

(3) Where appropriate, open space should be arranged in order to provide connections to existing or future open space areas, trails, or similar features on adjoining parcels.

(4) Wherever feasible, areas of open space should be contiguous, thereby eliminating small, isolated pockets of open space.

(F) Protection and Maintenance

(1) Reclamation of Disturbed Open Space

Any required land areas designated for use as open space that are disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with non-invasive vegetation that appeared in those respective areas prior to construction or with other native vegetation. The planting of invasive plant species is prohibited.

(2) Future Subdivision and Development of Open Space

All required open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to Howard Township and duly recorded in the office of the Knox County Recorder. Subject to permanent restrictions as set forth above, required open space in an open space residential subdivision shall be owned by an homeowners' association, Howard Township (with its consent), a land trust or other conservation organization recognized by Howard Township, or by a similar entity. Required open space may be held by the individual members of a homeowners' association as tenants-in-common or may be held in common ownership by a homeowners' association, community association, or other similar legal entity.

(3) Conservation Easements

With the permission of Howard Township, the owner(s) of required open space may, in accordance with the applicable provisions of the ORC, grant or transfer a conservation easement to any entity described in the ORC, provided that the entity and the provisions of the conservation easements are acceptable to Howard Township. When a deed restriction is proposed as the method of restricting further subdivision of land designated as open space, Howard Township shall be named as a party to such deed restrictions with approval authority over any changes thereto. The conveyance must contain appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under the ORC, in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

(4) Homeowners' Associations

The following shall apply where a homeowners' association will be established to maintain any open space or other common areas as required by this article:

(a) A homeowners' association shall be established to permanently maintain all open space, common areas and conservation easements related to the open space.

(b) All homeowners' association agreements shall be submitted for approval as part of a zoning certificate, conditional use, planned development overlay, or planned development application, as applicable. Copies of the proposed covenants, articles of incorporation, and bylaws of the association shall be submitted with said agreements. No set of proposed covenants, articles of incorporation, or bylaws of a homeowners' association shall permit the abrogation of any duties set forth in this section.

(c) All homeowners' associations shall guarantee maintenance of all open space and common areas within the boundaries of the development. In the event of a failure to maintain such open space or common areas, the township may do any of the following:

(d) If the open space or common area is owned by the township, township approved land trust or other qualified organization, county, state or park district, the township may remedy the failure to maintain at its own cost and seek reimbursement from the homeowner's association or seek to enforce the homeowner's association's duty to maintain through an injunction or any other civil remedy.

(e) If the open space or common area exists pursuant to a conservation easement in which the township is a party to such easement, the township may seek to enforce the terms of the conservation easement as provided in Section 5.9(F)(3).

(f) If the open space or common area is owned jointly or in common by the owners of the building lots, or by any other owner of the property to be maintained, the township may seek to enforce the association's non-performance of its obligations and duties through an injunction or any other civil remedy.

Article 6: Accessory and Temporary Use Regulations

6.1 Accessory Use Regulations

(A) Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses permitted in accordance with this resolution.

(B) General Provisions

(1) Accessory structures and uses shall be incidental to and customarily found in connection with a principal building or use permitted in the district in which it is located.

(2) An accessory structure and/or use shall be located on the same lot as the principal use for which it serves. The township may allow for the placement of accessory structures or uses in open space areas or protected common space as part of a PUD when there is sufficient language on the approved plans and in covenants that define the allowable structure or use and establishes responsibility for maintenance.

(3) An accessory use may only be in use while a principal use exists and operates.

(4) An owner shall be required to apply for and receive a zoning certificate unless specifically exempted by this resolution.

(5) Buildings and structures that are accessory to an agricultural use exempt from zoning (See Section 3.2(A).) are exempt from the provisions of this section.

(6) An accessory use or structure shall not be established unless a principal use has first been established on a lot in conformance with the applicable provisions of the zoning resolution.

(7) Small garden structures, wood piles, and other accessory structures with a footprint of less than 50 square feet that are not specifically regulated by this article are permitted in the side or rear yards without a zoning certificate but shall be subject to the setback requirements of Section 6.1(C) below.

(8) No accessory building or structure shall be used to operate a business, store equipment, or supplies used for a business, or be a location where employees meet or park, in any residential district, or recorded residential subdivision, unless specifically allowed as a home occupation.

(C) Size Requirements and Location

(1) Setbacks

(a) Accessory uses such as garages and carports, that are attached or an integral part of the principal use, shall be regulated as part of the principal use and comply with all applicable setbacks.

(b) Unless otherwise specified in this section, detached accessory structures shall be set back from all lot lines a minimum distance of three feet from all lot lines. This setback shall not apply to fences, walls, or hedges that are regulated by Section 7.4: Fencing, Walls, and Hedges.

(c) No detached accessory building shall be located less than ten feet from the principal building. If the separation of the accessory and principal building is less than ten feet, the accessory building shall be protected with a fire-resistant material and shall conform to the same yard requirements as the principal building.

(2) Number and Size Requirements

(a) Table 6-1 shall establish the maximum square feet of all accessory buildings on any single lot based on the total lot area.

(b) In no case shall the aggregated square footage of all accessory building footprints exceed 50 percent of any yard nor shall it exceed the footprint of the principal building.

TABLE 6-1: MAXIMUM FOOTPRINT OF ACCESSORY BUILDINGS	
Lot Area	**Maximum Square Feet of Accessory Building Footprints per Lot**
Up to 15,000 Square Feet	1,000
15,000 Square Feet to 1.0 Acre	1,500
1.0 to 5.0 Acres	2,000
Over 5.0 Acres	3,000 Square Feet

(c) Table 6-2 below, identifies the maximum number of certain accessory structures permitted on any single lot.

TABLE 6-2:LIMITS OF CERTAIN ACCESSORY STRUCTURES	
Accessory Structure	**Maximum Number of Structures per Lot**
Detached Accessory Buildings, including Accessory Dwelling Units	3
Ground-Mounted Solar Energy Systems	1
Swimming Pools and Hot Tubs	1 each
Other Accessory Structure similar in nature to the above-mentioned structures, as determined by the Zoning Inspector	1

(3) Maximum Height

Unless otherwise specified in this section, the maximum height of accessory structures or buildings shall be 24 feet or the maximum height of the principal building, whichever is less. The height shall be measured as defined in Section 4.9(A)(4)(a).

(D) Permitted Accessory Uses

Table 6-3 lists the accessory uses and structures allowed within all zoning districts. The following is an explanation of the abbreviations and columns in Table 6-3.

(1) Permitted Use (P)

(a) A “P” in a cell indicates that an accessory use or structure is permitted by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this resolution.

(b) Permitted uses or structures are approved administratively by the Zoning Inspector through the zoning certificate procedure.

(2) Permitted Use with Use-Specific Standards (PS)

(a) A “PS” in a cell indicates that the accessory use or structure category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the last column of Table 6-3. Permitted uses with standards are subject to all other applicable regulations of this resolution.

(b) Uses or structures permitted with standards under this category are approved administratively by the Zoning Inspector through the zoning certificate procedure (See Section 3.4: Zoning Certificate.).

(3) Prohibited Uses

A blank and/or shaded cell indicates that an accessory use or structure is prohibited in the respective zoning district.

(4) Zoning Certificate Required

The "Zoning Certificate Required" column identifies if a zoning certificate is required for the applicable accessory use or structure.

(5) Yards Permitted

The "Yards Permitted" column identifies in which yards the applicable accessory use or structure is permitted. See also Section 4.9(A), for more information about specific yard locations for interior, corner, through, flag or panhandle, cul-de-sac, or curved street lots, etc.

(6) Numerical References (Last Column)

The numbers contained in the "Use-Specific Standards" column are references to additional standards and requirements that apply to the use and structure type listed. Standards referenced in the "Use-Specific Standards" column apply in all zoning districts unless otherwise expressly stated and may apply to a conditionally permitted use and/or a permitted use with use-specific standards.

(7) Unlisted Uses

If an application is submitted for a use that the Zoning Inspector determines is not defined or established in Table 6-3, the applicant may choose to take one of the actions identified in Section 4.7(B)(6).

(8) Accessory Uses in PUD Districts

Accessory uses for development within a PUD District shall be regulated based on the principal use. See Section 5.8(A)(3).

TABLE 6-3: PERMITTED ACCESSORY USE TABLE					
Permitted Uses P = Permitted Use PS = Permitted with Standards Blank Cell = Prohibited	**AG, C-1, and R-1**	**B-1 and BMF**	**Zoning Certificate Required**	**Yards Permitted** F = Front S = Side R = Rear	**Use-Specific Standards** See Section:
Accessibility Ramps	PS	PS	No	F, S, or R	6.1(E)(1)
Accessory Dwelling Units	PS		Yes	S or R	6.1(E)(2)
Amateur Radio Antennas	PS	PS	Yes	S or R	6.1(E)(3)
Community Gardens	PS	PS	Yes	F, S, or R	6.1(E)(4)
Detached Accessory Buildings and Structures	PS	PS	Yes	F, S or R	6.1(E)(5)
Drive-Through Facilities		PS	Yes	S or R	6.1(E)(6)
Farm Markets	PS	PS	No	F, S, or R	6.1(E)(7)
Home Occupations	PS		Yes	Inside principal building	6.1(E)(8)
Nursery Schools or Day Care Centers (Children or Adults)	PS	PS	Yes	Inside principal building	6.1(E)(9)
Outdoor Display or Sales		PS	Yes	F, S, or R	6.1(E)(10)
Outdoor Storage and Bulk Sales		PS	Yes	S or R	6.1(E)(11)
Outdoor Vending Machines and Drop Boxes		PS	No	F, S, or R	6.1(E)(12)
Playsets, Treehouses and Trampolines	PS		See Section 6.1(E)(13).		
Porches. Decks, and Patios	PS	PS	See Section 6.1(E)(14).		
Satellite Dishes	PS	PS	No	See 6.1(E)(15).	
Short-Term Rental	PS		No	Inside principal building	6.1(E)(16)
Solar Panels	PS	PS	See Section 6.1(E)(17).		
Swimming Pools	PS	PS	Yes	R	6.1(E)(18)
Type-B day care homes (1-6 children)	PS		Yes	Inside principal building	6.1(E)(19)

(E) Use-Specific Standards

(1) Accessibility Ramps

Ramps that provide access to buildings for the disabled are permitted in all zoning districts and may encroach in all setbacks but shall not encroach on a public sidewalk, right-of-way, or street.

(2) Accessory Dwelling Units

(a) Only one accessory dwelling unit shall be permitted on a lot in an R-1 District or up to three accessory dwelling units on a lot in the AG District.

(b) In the R-1 District, accessory dwelling units shall be exempt from the minimum lot area requirements in the applicable zoning district.

(c) In the AG District, there shall be a minimum lot area of two acres for each accessory dwelling unit. The Knox County Public Health Department can require a larger lot area if needed for on-site septic systems.

(d) An accessory dwelling unit shall contain separate kitchen and bathroom facilities.

(e) Accessory dwelling units may be allowed when attached to the principal dwelling unit or in a detached accessory building.

(f) Detached accessory dwelling units shall be considered an accessory building for the purposes of calculating the maximum number and size of accessory buildings.

(g) Each accessory dwelling unit shall have an entrance separate from the primary dwelling.

(h) One accessible off-street parking space shall be provided for each accessory dwelling unit in addition to the off-street parking spaces required for the primary dwelling in Section 9.4(B).

(i) Accessory dwelling units shall only be permitted when accessory to a single-family dwelling principal use.

(j) The accessory dwelling unit shall be constructed to meet the requirements of the International Residential Code.

(3) Amateur Radio Antennas

(a) Towers used to support amateur radio antenna shall not exceed 70 feet in height.

(b) Such a tower shall be set back a minimum of one foot from each lot line for every one foot in height. All guy wires, if applicable, shall be set back a minimum of ten feet from all lot lines.

(c) Any tower and related structures shall be installed in accordance with the instructions furnished by the manufacturer of the tower model. An antenna mounted on a tower may be modified and changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.

(4) Community Gardens

(a) Community gardens may be allowed as an accessory use when associated with public or institutional principal use (e.g., religious institution or educational facility).

(b) Community gardens may be located in an open space area if the space is maintained by a homeowners' association.

(c) The owner of the property shall have an established set of operating rules addressing the governance structure of the garden; hours of operation; maintenance and security requirements and responsibilities; and distribution of garden plots.

(d) The name and telephone number of the owner and any person designated as the person in-charge of garden coordination along with a copy of the operating rules shall be kept on file with the Zoning Inspector.

(e) The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.

(f) There shall be no retail sales on site, except for produce grown on the site.

(g) Benches, bike racks, raised/accessible planting beds, picnic tables, seasonal farm stands, garden art, and rain barrel systems may be permitted if the community garden is located on a lot where the principal use of the lot is public, institutional, or commercial.

(h) Fences and walls shall be subject to the provisions of Section 7.4: Fencing, Walls, and Hedges.

(5) Detached Accessory Buildings

The provisions of this section shall apply to any accessory building not identified elsewhere in Table 6-3 that may include detached garages and carports, detached storage/utility sheds, gazebos, pool houses, and other similar buildings as determined by the Zoning Inspector.

(a) Detached accessory buildings shall only be permitted in the side or rear yard unless it is located on a lot with a minimum lot area of five acres, in which case, the accessory building may be located in the front yard provide it is set back a minimum of 200 feet from the front lot line.

(b) Detached garages and carports shall be served by a paved driveway.

(c) Detached accessory buildings shall include accessory structures that are enclosed, regardless of the materials used for enclosure including, but not limited to, hoop houses and greenhouses.

(6) Drive-Through Facilities

(a) Drive-through facilities shall be subject to the vehicle stacking requirements of Section 9.6: Vehicle Stacking Requirements.

(b) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall be set back a minimum of 200 feet from any residential dwelling unit and shall be subject to all applicable noise resolutions and ordinances.

(c) No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and/or rear of the principal structure.

(d) All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.

(7) Farm Markets

(a) Farm markets may be permitted when they are used in conjunction with any lawful agricultural use pursuant to the ORC and shall be subject to the following standards in addition to any other applicable sections of this resolution:

(i) A farm market shall only be permitted where 50% or more of the gross income received from the farm market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.

(ii) The farm market shall be located on the same property where the produce is raised.

(iii) The structure shall not exceed 800 square feet.

(iv) The structure and sign shall be set back a minimum of 30 feet from all side and rear lot lines.

(v) The structure, signs, and required off-street parking shall be located and set back in such a manner as to not create a traffic hazard as determined by the Zoning Inspector.

(vi) Any signage located on the site shall not be illuminated and shall be subject, where applicable, to the standards of Article 10: Signage Standards.

(b) The sale of any farm produce or goods that do not meet the definition or standards of farm markets in this section may be allowed as part of a temporary use in Section 6.2: Temporary Uses and Structures.

(8) Home Occupations

(a) Home occupations shall be conducted entirely within the dwelling unit or an accessory building.

(b) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.

(c) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.

(d) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and up to one additional employee who does not have to reside in the dwelling. Such employee shall work in the dwelling.

(e) The maximum floor area the use may cover shall not exceed 33 percent of the total floor area of the dwelling unit.

(f) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.

(g) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.

(h) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.

(i) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.

(j) The following are examples of permitted types of home occupations, all other types of home occupations shall be prohibited:

(i) Clerical and other similar business services;

(ii) Instruction in music, dance or other type of teaching with a maximum number of two students at a time;

(iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;

(iv) Artists, sculptors, photographers, and other providers of home crafts;

(v) Barber shop/beauty salon with a maximum of one chair;

(vi) Workshops for a tailor, dressmaker, gunsmiths, repair services, and artisans;

(vii) Caterers with no on-site catering;

(viii) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or

(ix) Any similar use as determined by the Zoning Inspector.

(9) Nursery Schools or Day Care Centers (Children or Adults)

Nursery schools or day care centers may only be permitted as accessory uses to permitted and conforming nonresidential uses including places of worship and educational institutions. Such use shall be located within the principal building.

(10) Outdoor Displays or Sales

Facilities for outdoor display or sales (e.g., garden supply sales, news and flower stands, and similar uses) that are accessory to another principal use may be permitted upon compliance with the following:

(a) Outdoor display and sales areas shall require the issuance of a zoning certificate. Such uses shall not be placed within the street right-of-way, within an interior drive, or in a location which will interfere with vehicle sight distance.

(b) Outdoor displays and sales shall be related to the principal use of the site and shall clearly be accessory and incidental to the principal use. Outdoor displays and sales shall be prohibited when the principal building is vacant.

(c) Any outdoor displays or sales not related to the principal use shall be regulated as a temporary outdoor sale in accordance with Section 6.2: Temporary Uses and Structures.

(d) Outdoor display and sales areas may be permitted provided that the merchandise is displayed along the sidewalk or walkway adjacent to the building.

(e) Outdoor display and sales areas may also be permitted in any side or rear yard.

(f) In all cases, any areas designated for outdoor display or sales shall be set back a minimum of 25 feet from any adjacent residential lot.

(g) The placement of the use shall not result in the reduction of the number of parking spaces required to serve the principal uses on the site.

(h) The placement of the merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.

(i) The outdoor display and sales areas shall be maintained in good order and appearance.

(11) Outdoor Storage and Bulk Sales

Outdoor storage and bulk sale activities that are accessory to another principal use may be permitted upon compliance with the following:

(a) The outdoor storage of goods shall be prohibited on vacant lots.

(b) The outdoor storage of materials shall include the storage of goods, materials, or products associated with the principal use.

(c) Areas devoted to outdoor storage shall be located in the side and rear yard only and shall comply with the building setbacks set forth in the applicable zoning district. Outdoor storage may also be located in the front yard when placed on a sidewalk area located within ten feet of the front facade of the principal building.

(d) No outdoor storage area shall be permitted to occupy or interfere with traffic circulation, required parking areas, sidewalks, or pedestrian access.

(e) The area of the lot devoted to outdoor storage of goods and merchandise shall not exceed 20 percent of the ground floor area of the principal building.

(f) Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust.

(g) The outdoor storage area may also be used for a sales area for the related principal use.

(h) In all cases, any areas designated for outdoor storage areas shall be set back a minimum of 50 feet from any adjacent residential lot.

(i) All outdoor storage and bulk sales areas shall be screened in accordance with Section 8.6.

(12) Outdoor Vending Machines and Drop Boxes

(a) Outdoor vending machines are permitted provided they are places along the facade of the principal building.

(b) The placement of the drop boxes shall not result in the reduction of the number of parking spaces below the number of spaces required for the principal use by this resolution.

(c) The facility or equipment shall be maintained in good operating order and appearance. Materials shall not be permitted to accumulate around any drop box and the owner shall be responsible for regular pick up of items.

(d) Drop boxes shall only be permitted in the side or rear yard.

(e) A maximum of one drop box is permitted on any single lot. One additional drop box shall be permitted on a lot for each two acres of lot area in excess of an initial two-acre lot. This limitation on the number of boxes or machines shall not apply to dumpsters outside of the building.

(f) Signage shall be limited to a maximum of six square feet on each vending machine and drop box and shall not count toward the sign area allowed in Article 10: Signage Standards.

(g) The township shall have the authority to place more than one drop box on a single lot when providing recycling services to the general public.

(13) Playsets, Treehouses and Trampolines

Playsets, treehouses, and trampolines shall be permitted in any side or rear yard, without a zoning certificate provided that the use is less than 200 square feet. Any use that has a larger footprint or that is an enclosed structure shall be regulated as a detached accessory building in accordance with Section 6.1(E)(5).

(14) Porches, Decks, and Patios

(a) Porches or decks that are enclosed with a roof and with walls or siding including, but not limited to, screening or other materials shall be considered an integral part of the principal building and shall meet the setback requirements for principal buildings in the applicable zoning district.

(b) Any enclosure shall be constructed of traditional, permanent materials (e.g., no tarps or fabric covers other than traditional screening material used for screened-in porches).

(c) The enclosure of a previously unenclosed porch or deck shall require the approval of a zoning certificate.

(d) Decks

(i) Decks shall require a zoning certificate and shall be permitted in all yards subject to the standards of this section.

(ii) Decks are permitted in the front yard provided they are attached to the principal building and are designed so the walking surface is no higher than the floor height of the first floor of the building. In such case, the decks may encroach into the required front yard in the same manner as a porch.

(iii) Decks in the side or rear yard, including decks not attached to a building, shall comply with the setbacks accessory buildings as established in Section 6.1(C)(1).

(iv) Decks may include stairways to the ground or other decks.

(e) Porches

(i) Porches shall require a zoning certificate and shall be permitted in all yards.

(ii) Any area of a porch that has a walking surface mounted more than three feet above the ground shall comply with the side and rear yard setbacks for principal buildings in the applicable zoning district. Such porches may extend ten feet into the required front yard provided it shall maintain a minimum setback of 10 feet from the front lot line.

(iii) Unenclosed porches that do not have a walking surface that exceeds more than three feet in height above the ground may encroach into any yard as provided for in Section 4.9(A)(3).

(f) Patios

(i) Patios shall not require a zoning certificate but shall be in compliance with all applicable standards.

(ii) Patios may extend ten feet into the required front yard provided it shall maintain a minimum setback of 10 feet from the front lot line.

(iii) Patios may encroach into any yard as provided for in Section 4.9(A)(3).

(iv) If a pergola, gazebo, or other roofed structure is attached to a patio but not attached to the principal building, then the pergola, gazebo, or roofed structure shall be regulated as a detached accessory structure in accordance with Section 6.1(D).

(15) Satellite Dishes

Satellite dishes of one meter in diameter or less shall be exempt from the provisions of this section on accessory uses and shall not require a zoning certificate. To the maximum extent possible, the dish should be located in the side or rear yard.

(16) Short-Term Rental

(a) One off-street parking space shall be required for each bedroom that is leased or rented to individual groups beyond the full-time owner or occupant of the residence. This shall be in addition to the number of off-street parking spaces required for the residential use in Section 9.4(B).

(b) If the entire dwelling is leased or rented to one group and no one permanently resides at the dwelling, no additional off-street parking is required beyond what is required for the residential use.

(c) In all cases, any parking required to accommodate the short-term rental in accordance with this section shall be accommodated off-street, on the same lot as the short-term rental.

(17) Solar Panels

(a) Freestanding solar panels shall be limited to a maximum height of 10 feet. Such freestanding solar panels shall be located in the rear yard where they shall be set back a minimum of 25 feet and shall not cover more than 200 square feet in lot area.

(b) Roof-mounted solar panels on the front side of a roof facing a street shall be flush-mounted to the roof.

(c) Roof-mounted solar panels that do not face a street may be mounted flush or at an angle to the roof but shall not exceed 36 inches in height from the roof plane as measured from the roof plane to the furthest point of the solar panel.

(d) Freestanding solar panels shall require a zoning certificate. Roof-mounted solar panels shall not require a zoning certificate but may be reviewed as part of the zoning certificate for the principal building.

(18) Swimming Pools

(a) Any man-made receptacle for water having a depth greater than 18 inches shall be regulated as a swimming pool for the purpose of this resolution, including hot tubs and spas, and shall be subject to the following restrictions:

(i) The edge of any pool shall be set back a minimum of 10 feet from all lot lines.

(ii) Every pool subject to these provisions shall be completely surrounded by a fence or wall with a minimum height of four feet and a maximum height of six feet. Such a fence or wall shall be constructed so as to have no openings, holes, or gaps larger than four inches in any dimension, except for doors or gates, which shall be equipped with suitable locking devices to prevent unauthorized intrusion. An accessory building may be used in or as part of the enclosure. The height shall be measured from the grade to the top of the fence or wall, measured vertically.

(iii) Above-ground pools with vertical surfaces of at least four feet in height shall not be required to have fences, walls, or gates except in areas where access may be gained to the pool.

(iv) The only pools that are permitted as accessory uses in nonresidential districts shall be those that are accessory to a residential dwelling or accessory to a permitted hotel or motel. Any other pools shall be located inside the principal dwelling.

(v) The excavation, construction, plumbing, and electrical requirements, inspection, and other safety facilities shall be regulated by the county codes.

(b) Hot tubs shall be set back a minimum of 10 feet from all lot lines.

(c) If a pool or hot tub meets the manufacturer's child proofing regulation, such pool or hot tubs shall be exempt from the fencing required by this section.

(d) An above-ground pool or hot-tub shall not be located on a surface (e.g., ground, patio, deck, or other surface) that will result in a water surface that is more than six feet above the natural grade of the ground surrounding the pool.

(e) All permanent plumbing or electrical equipment related to the pond, swimming pool, or hot tub, except underground wiring or pipes, shall meet the setbacks of this section.

(19) Type-B Day Care Homes (1-6 Children)

Type-B day care homes shall be permitted as an accessory use to any single-family dwelling.

6.2 TEMPORARY USES AND STRUCTURES

(A) Purpose

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses and structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

(B) Permitted Temporary Uses and Structures

(1) Table 6-4 summarizes permitted temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited in the township.

TABLE 6-4: TEMPORARY USES AND STRUCTURES

Temporary Uses and Structures	Zoning Certificate Required	Additional Requirements
Portable Storage Units and Construction Dumpsters	No	6.2(D)(1)
Real Estate Sales/Model Homes	Yes	6.2(D)(2)
Seasonal Agricultural Sales	Yes	6.2(D)(3)
Temporary Special Events	Yes	6.2(D)(4)
Temporary Tents	No	6.2(D)(5)

(2) Table 6-4 establishes whether the temporary use requires a zoning certificate in accordance with Section 3.4: Zoning Certificate.

(C) General Standards Applicable to All Temporary Uses and Structures

(1) All temporary uses and structures shall be reviewed in accordance with this section and all other applicable sections of this zoning resolution.

(2) 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 violate the applicable conditions of approval that apply to a site or use on the site;

(g) Not interfere with the normal operations of any permanent use located on the property; and

(h) Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.

(D) Use-Specific Standards

(1) Portable Storage Units and Construction Dumpsters

(a) Portable storage units shall only be permitted for the following situations:

(i) For general storage on any lot in the township for a period not to exceed 30 consecutive days up to two times per calendar year.

(ii) For storage at a nonresidential construction site for a period not to exceed 90 consecutive days;

(iii) 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;

(b) Up to one construction dumpster shall be permitted during the construction of any lawful structure in any zoning district, provided the dumpster is removed upon completion of the improvements.

(c) In residential districts, any construction dumpster that is not located on a paved surface shall be set back a minimum of 10 feet from all adjacent lot lines.

(d) Only one portable storage unit shall be permitted on a single lot at any one time.

(e) Portable storage units and construction dumpsters shall not be placed in the public road right-of-way unless a permit is approved, and shall not block sidewalks, fire lanes, or bike paths.

(f) Portable storage units and construction dumpsters must be placed and kept on a hard surface at all times.

(g) 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 zoning district. A trailer or semi-trailer with all wheels and tires and valid license may be utilized as a portable storage unit, but shall conform to all requirements for portable storage units.

(h) Portable storage units and construction dumpsters shall be allowed on paved driveways in the front yard or shall otherwise be located in the side or rear yard.

(i) Portable storage units and construction dumpsters shall not be connected to any utility.

(2) Real Estate Sales Office/Model Home

One temporary real estate sales office or model home per builder or developer shall be permitted in a section or phase of a new residential or nonresidential development, provided that the use:

(a) Is located on a lot approved as part of the subject development;

(b) Is operated by a developer or builder active in the same phase or section where the use is located; and

(c) Is removed or the model home is converted into a permanent residential use once 80% occupancy in the section or phase of the development is reached. For the purposes of these standards, occupancy shall include both the physical occupancy of buildings by the resident or tenant or sale of a completed building to a private party beyond the builder or developer.

(3) Seasonal Agricultural Sales

Seasonal agricultural sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards:

(a) Location

(i) The property contains an area not actively used by another use that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing open space, landscaping, traffic movements, or parking space availability.

(ii) The sale of goods shall not occur within the public right-of-way, or within 200 feet of a dwelling.

(b) Range of Goods Limited

The range of goods or products available for sale shall be limited to non-processed products obtained primarily through farming or agricultural activities, including, but not necessarily limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, and firewood; bees and beekeeping products; seafood; and dairy products.

(c) Hours of Operation

The hours of operation of the seasonal sale of agricultural products shall be from 7:30 A.M. to 10:00 P.M., or the same hours of operation as a principal use on the same lot, whichever is more restrictive.

(4) Temporary Special Events

(a) A temporary zoning certificate for temporary special events such as festivals, circuses, concerts, tents, and similar uses shall be valid for no more than 14 consecutive days provided the applicant receives other applicable permits from the State of Ohio, the Knox County Sheriff, and Eastern Knox County Joint Fire District.

(b) Outdoor weddings and similar private events are exempt from this standard but organizers of such events are encouraged to notify the Zoning Inspector to determine if special accommodations should be made to address traffic and circulation. These private events are subject to all applicable noise resolutions and ordinances.

(5) Temporary Tents

(a) Temporary tents shall be permitted in all districts for a period not to exceed 14 days in any four-month time period.

(b) Temporary tents shall be located in the side or rear yard of lots that are less than five acres in size.

(c) Temporary tents may be located in any yard where the lot is five acres or larger.

(d) Temporary tents subject to permitting by the State of Ohio shall be required to comply with all applicable state codes.

Article 7: General Development Standards

7.1 EXTERIOR LIGHTING

(A) Purpose

The purpose of this exterior lighting section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security.

(B) Applicability

(1) All outdoor lighting fixtures shall be subject to review as part of this article except that single-family and two-family dwellings shall be exempt from all requirements except Section 7.1(C).

(2) Exemptions

(a) All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.

(b) Holiday lighting shall be exempt from the requirements of this section.

(c) All temporary emergency lighting needed by the sheriff, fire district, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries, shall be exempt from the requirements of this section including flashing or blinking lights.

(d) Street lights shall be exempt from the provisions of this section.

(3) Prohibited Lights

(a) Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and/or fire department personnel.

(b) No open lights, such as strings of light bulbs, shall be permitted. This prohibition shall not include holiday lighting.

(c) The use of lighting strips (blinking or steady) shall be prohibited from use in windows or doors.

(C) General Provisions Applicable to All Districts and Development

(1) Exterior lighting shall be installed in a manner to deflect from adjacent residential developments.

(2) All exterior lighting for residential and nonresidential uses shall be located, screened, or shielded so adjacent lots located in residential districts or recorded subdivisions are not directly illuminated. Shielding may also be required for high intensity light fixtures to prevent glare to adjacent uses, public rights-of-way, and drives. Perimeter lighting, when adjoining residential districts or recorded subdivisions, shall be by shielded fixtures to prevent light trespass onto adjacent properties.

(3) No exterior lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers, pedestrians or adjacent properties. Shields and/or filters are required for light fixtures with high intensity and glare potential.

(4) Type of Fixtures

(a) All light fixtures shall be full cut-off type fixtures except for decorative light fixtures. See Figure 7.1-A.

(b) Non-cutoff lighting may only be used for decorative purposes when located adjacent to the building. See Figure 7.1-A.

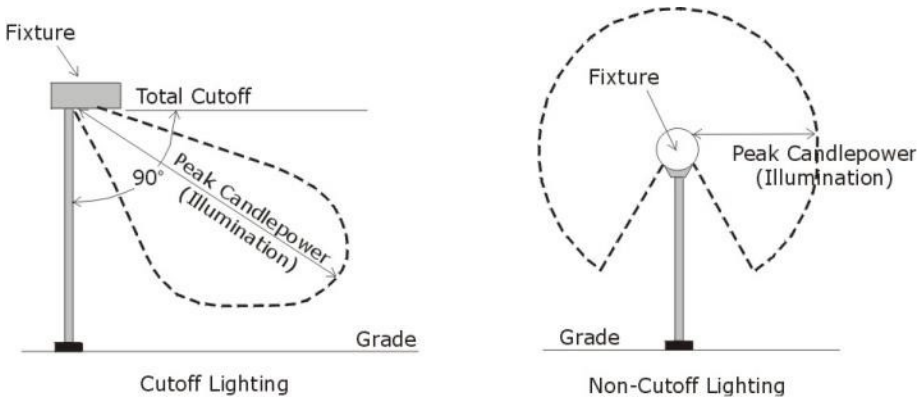

Figure 7.1-A: Illustration of cutoff lighting versus non-cutoff lighting

7.2 INTERSECTION SIGHT VISIBILITY

(A) Development proposed adjacent to any public or private street, in every district, shall be designed to provide a clear visibility area for pedestrian and traffic safety.

(B) For the intersection of two public streets, the area for clear visibility shall be as established by the Ohio Department of Transportation (ODOT) for intersection sight distances in the ODOT Location and Design Manual.

(C) A traffic safety visibility triangle area shall be required for any intersection of local streets that are not subject to ODOT review. Such visibility triangle, which may include private property and/or public right-of-way, is a triangle area defined by measuring 20 feet from the intersection of the extension of the front and side street curb lines (or the right-of-way lines where there is no curb) and connecting the lines across the property.

(D) No structure, sign, or landscape element shall be placed within the traffic safety visibility area.

(E) An exception to this requirement shall be for existing trees where the canopy is trimmed to a minimum of eight feet above grade.

7.3 PERFORMANCE STANDARDS

For the protection of the public health and safety, no land or structure shall be used or occupied in a manner so as to create any dangerous, injurious, noxious, or otherwise objectionable elements or conditions unless the following performance standards are observed:

(A) Fire and Explosive Hazards

The storage, handling and use of flammable or explosive materials shall be permitted only in structures having incombustible exterior walls, and all operations in connection therewith shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire-fighting and suppression equipment and devices standard to the operation involved.

(B) Radioactive or Electrical Disturbances

Radioactive or electrical disturbances shall not be created which would adversely affect any form of life or equipment at or beyond the boundaries of the lot occupied by the use.

(C) Noise

The sound pressure level of any operation on a lot, other than the operation of auto-calls, bells, motor vehicles, sirens or whistles, shall not exceed the average intensity of the street traffic noise at the point of complaint and no sound shall be objectionable due to intermittence, beat frequency or shrillness. Air raid, weather warning, or other related apparatus used solely for public purposes are exempt from this requirement.

(D) Vibration

Vibrations shall not be permitted beyond the lot line occupied by the use which would be perceptible without the aid of instruments.

(E) Dust and Smoke

The emission of smoke, soot, fly ash, fumes, dust and other types of air pollution borne by the wind shall be controlled so that the rate of emission and quantity shall not be detrimental to or endanger the public health, safety, convenience, comfort, prosperity, or general welfare, or adversely affect property values and shall not exceed the amount permitted by other codes of the State or County.

(F) Odorous Matter

The emission of odorous matter in such quantities as to produce a public nuisance or hazard beyond the lot occupied by the use shall not be permitted.

(G) Toxic or Noxious Matter and Pollution

The emission of toxic, noxious or corrosive fumes or gases which would be demonstrably injurious to property, vegetation, animals or human health at or beyond the boundaries of the lot occupied by the use shall not be permitted.

(H) Waste Materials

Liquid wastes shall not be discharged into an open reservoir, stream or other open body of water or a sewer unless treated or controlled so that the amount of solid substances, oils, grease, acids, alkalines, and other chemicals shall not exceed the amount permitted by other codes of the State or County.

(I) Maintenance

All lots shall be maintained in a manner that includes removal of trash and litter, maintenance of paved areas, maintenance of landscaping, and general upkeep of the property.

7.4 FENCING, WALLS, AND HEDGES

(A) Applicability

(1) Fences, walls, retaining walls, and hedges may be permitted in all zoning districts in accordance with this section.

(2) Fences, walls, and hedges related to an exempt agricultural use (See Section 3.2(A): Agricultural Use Exemption.) shall also be exempt from these regulations.

(B) Zoning Certificate Required

(1) The construction of fences, walls, and similar permanent structures shall require the issuance of a zoning certificate.

(2) The planting of hedges shall not require a zoning certificate but shall be done in a manner that will comply with the location and intersection visibility requirements of this section.

(C) Exemptions

(1) Small portions of fences, such as decorative fencing used for landscaping, that are not longer than 20 feet in length but which comply with the height, yard and maintenance requirements set forth in this subsection, shall not require a zoning certificate.

(2) Fencing installed by the Ohio Department of Transportation along state highway rights-of-way shall be exempt from this zoning resolution.

(D) Construction, Maintenance and Repair

(1) No fence, wall, or hedge shall be constructed and maintained so as to be hazardous to existing or future neighboring uses.

(2) All fencing and wall materials shall be weatherproof or weather resistant.

(3) Plywood, particle board, fiberglass, corrugated or galvanized sheet metal panels, and non-traditional fence materials deemed unacceptable by the Zoning Inspector shall be prohibited. This may include, but is not limited to, fences or walls made from discarded materials such as shipping crates or pallets, or of tires, stacked tires or automobile parts, or stacked building materials, salvaged doors or garage doors, or similar new or used materials.

(4) The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced.

(5) When erected near a property or lot line, the entire fence and any of its supporting structures or appurtenances shall be contained within the lot or property of the person erecting or having erected said fence.

(6) All fences, walls, and hedges shall be maintained in a neat and orderly manner.

(E) Location and Height Standards

(1) No fencing, walls, or hedges shall be located in a utility easement or a right-of-way. Fences, walls, hedges, or other similar structure constructed in these areas may be subject to removal from the authority having jurisdiction.

(2) The property owner shall assume responsibility for determining the legal, proper placement of the fence, wall, hedge, or similar structure, upon the subject property.

(3) Barbed wire fencing and razor fencing is prohibited.

(4) Electric fencing is prohibited except as part of fencing for agricultural uses exempt from zoning or for underground fencing used to contain pets (e.g., invisible fencing).

(5) Front Yards

(a) Fencing or walls in the front yard setback area shall not exceed four feet in height.

(i) For corner lots, the above maximum height shall apply to the front yard setback for each street frontage.

(ii) For through lots, the above maximum height shall apply to the street on which the front of the house faces.

(b) Hedges and other plantings of any height may be planted in the front yard.

(c) All fencing, walls, hedges, and similar structures or landscaping shall be subject to the sight clearance regulations of 7.2: Intersection Sight Visibility.

(6) Side and Rear Yards

(a) Fences and walls located in the side or rear yards shall not exceed a height of six feet in the R-1 District and eight feet in all other zoning districts.

(b) Informal plantings, trees, and hedges may be taller than the above maximum height.

(F) Measurement

(1) The maximum fence or wall height shall be measured from the lowest point of the finished grade within three feet on either side of the fence to the top most portion of the fence. See Figure 7.4-A.

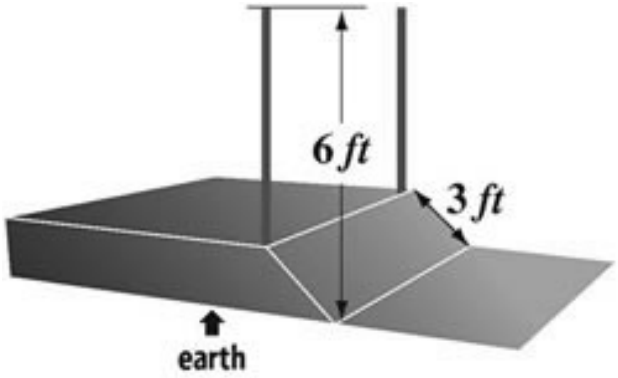

Figure 7.4-A: Fencing shall be measured from the lowest point within three feet on either side of the fence.

(2) Fencing or walls should follow the natural contour of the land on which it is located. See Figure 7.4-B.

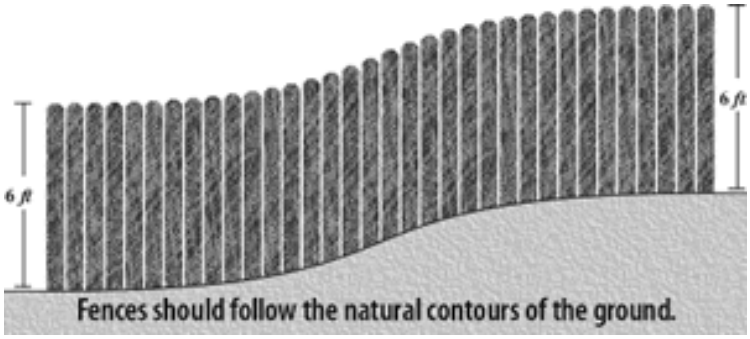

Figure 7.4-B: This illustrates how fencing is measured along a natural contour.

(3) A fence may be erected on top of a wall or retaining wall but the combined height of the fence and wall or retaining wall, shall not exceed the heights specified within this section for a fence, wall, or a retaining wall.

Article 8: Landscaping Standards

8.1 Purpose

The purpose of this section is to protect and promote the public health, safety, general welfare, and beautification of Howard Township through the township's ability to regulate land use in a method that utilizes the benefits of landscaping. Specifically, it is the purpose of this section to:

(A) Protect privacy and provide buffering land uses of differing intensities;

(B) Remove, reduce, lessen or absorb the impact between one use or zoning district and another;

(C) Aid in noise, glare and heat abatement;

(D) Contribute to the process of air purification, ground water recharge, and control of ground water runoff;

(E) Prevent or reduce soil erosion and sedimentation and stormwater runoff;

(F) Enhance energy conservation; and

(G) Increase and maintain property values.

8.2 Applicability

(A) This article shall apply to new development and any collective substantial expansion of existing structures in the B-1 and BMF Districts. Substantial expansion of existing structures shall be defined based on the criteria established in Table 8-1.

TABLE 8-1: SUBSTANTIAL EXPANSION

When Existing Structure is....	A Substantial Expansion is...
0 - 1,000 Sq. Ft.	50% or Greater
1,001 - 10,000 Sq. Ft.	40% or Greater
10,001 - 25,000 Sq. Ft.	30% or Greater
25,001 - 50,000 Sq. Ft.	20% or Greater
50,001 Sq. Ft. and larger	10% or Greater

(B) The percentage identified in Table 8-1 shall be the aggregate of all expansions that occur after the effective date of this resolution.

8.3 Landscaping Plan

(A) Landscaping Plan Requirement

(1) Any property to which this article applies shall illustrate all proposed landscaping and buffering, including the proposed landscaping material, on a site plan or on a separate landscaping plan as part of the application for a zoning certificate or PUD application, whichever is applicable.

(2) All plans shall identify the existing plant material that will be retained and all proposed plant materials within the landscaping and buffer areas. This shall include the common and botanical names, sizes and other remarks as appropriate to describe the landscaping material selection.

(B) Approval of a Landscaping Plan

Criteria for the approval of a landscaping plan shall be as follows:

(1) No zoning certificate shall be issued without approval of a landscaping plan.

(2) Failure to implement the landscaping plan within 12 months of the issuance of a zoning certificate shall be deemed a violation of this resolution.

8.4 LANDSCAPING MATERIALS AND STANDARDS

(A) Responsibility for Installation of Landscaping Materials

All landscaping and buffering shall be provided by the person in charge of or in control of developing the property, whether as owner, lessee, tenant, occupant or otherwise.

(B) Use of Landscaped Areas

Vehicle parking shall not be permitted in landscaped areas.

(C) Easements

Nothing shall be planted or installed within any underground or overhead utility, drainage, or gas easement without the consent of the utility provider, easement holder, or the township.

(D) Landscaping Materials

The following items are suitable for landscaping materials used individually or in combination with each other, subject to review and approval by the applicable review authority.

(1) Existing Landscape Material

(a) Unless otherwise noted, existing landscape material in healthy condition can be used to satisfy the requirements of this article in whole or in part provided they meet all requirements of this article.

(b) The applicable review authority shall determine satisfaction of this requirement.

(2) Walls and Fences

(a) Walls and fences shall be constructed of weatherproof materials, including pressure treated wood, redwood, cedar, synthetic lumber, or vinyl, and aluminum or galvanized hardware. Except as specifically noted, chain link fences with or without wooden or synthetic slat material shall not be allowed when used to satisfy landscaping and screening requirements.

(b) Chain link fences with or without wooden or synthetic slat material shall not be allowed when used to satisfy the buffer requirements of this article.

(c) Walls and fences may be designed with a finished side on both sides of the fence, but where only one side is finished, the wall and fence shall be designed to orient that finished side away from the subject lot so the finished side faces the adjacent lots.

(3) Plants

(a) All plants shall be living and hardy within the United States Department of Agriculture's Hardiness Zone 6, and thriving in Knox County. Plant materials used in conformance with the provisions of this section shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under state regulations.

(b) Trees shall be balled and burlapped or in containers. Shrubs, vines, and ground covers can be planted as bare root as well as balled and burlapped or from containers.

(c) All landscaping materials shall be free of noxious weeds, disease, and pests.

(d) Nursery stock identification tags shall not be removed from any planting prior to inspection and approval of final installation by the township.

(e) The following are specific standards for landscaping materials.

(i) Deciduous Trees

A. Deciduous trees shall have a minimum caliper of at least two inches Diameter-at-Breast-Height (DBH) and a clear trunk height of six feet that conforms to acceptable nursery industry procedures at the time of planting.

B. If deciduous trees are to be used for screening purposes, additional materials listed in this article shall be used to create a dense buffer.

(ii) Ornamental and Understory Trees

Ornamental and understory trees shall have a minimum height of four feet or a minimum caliper of at least 1.5 inches DBH that conforms to acceptable nursery industry procedures at the time of planting.

(iii) Evergreen Trees

A. Evergreen trees shall be a minimum of six feet in height at the time of planting.

B. Evergreen plantings used for buffering shall be planted at a maximum distance of 20 feet on center to provide an effective buffer.

(iv) Shrubs and Hedges

A. Shrubs shall be at least 20 inches in height at the time of planting and have a mature height of not less than 36 inches.

B. Hedges shall be at least 36 inches in height at the time of planting.

C. All hedges shall be designed to provide an effective, dense screen and mature height of at least six feet within four years after the date of the final approval of each planting when used for perimeter landscaping or screening applications.

(v) Grass and Ground Cover

A. Grass of the fescue, bluegrass or perennial rye families shall be planted in species normally grown as lawns in Knox County.

B. In swales or other areas subject to erosion, solid sod, erosion reducing net or suitable mulch shall be used and grass seed shall be sown for immediate protection until complete coverage is achieved.

C. Grass sod shall be clean and free of weeds and noxious pests or diseases.

D. Ground cover shall be planted in such a manner as to provide 75 percent complete coverage after two growing seasons.

(f) Additional Landscaping Beyond the Minimum Requirements

Once the minimum landscape requirements have been met, any size plant may be installed on a lot to supplement the minimum requirements.

8.5 BUFFERING BETWEEN LAND USES

(A) When a development in a B-1 or BMF District abuts an R-1 District, a buffer area with a minimum width of 15 feet shall be provided adjacent to the residential zoning district.

(B) The same buffer shall be required between any vehicular use area that contains five or more parking spaces and an adjacent lot in the R-1 District.

(C) Buffer areas shall be located between the uses for which they are required to buffer or screen.

(D) The buffer areas shall be placed on the property being developed, regardless of ownership.

(E) For buffering along the side yard, the buffer shall begin, at a minimum, at the front yard building setback line.

(F) The required buffer area shall consist of living vegetative material such as evergreen trees or shrubs. Such buffer shall have 100 percent opacity, all year, to a height of six feet or more within one year of planting.

(G) Fencing and walls may also be used to provide a 100 percent opaque screen between the uses provided the fencing or wall complies with the requirements of Section 7.4. Any wall shall be constructed of a material compatible with the construction of the principal building. Such fences and wall shall have a height of six feet.

(H) The location of the wall, fence, or vegetation shall be placed within the required buffer area to maximize the screening effect. Trees, evergreens, and/or hedges shall be adequately spaced and appropriately staggered to meet the screening objectives within two years after the initial installation.

(I) Development within Buffers

(1) The required buffer shall not contain any development, impervious surfaces, structures, or site features (except fences or walls) that do not function to meet the standards of this section or that require removal of existing vegetation, unless otherwise permitted in this resolution.

(2) Sidewalks, trails, and other elements associated with passive recreation may be placed in required buffers if all required landscaping is provided.

(3) Signs may be located in the required buffers.

(4) Driveways, access roads, and similar uses may cross perpendicularly across a required buffer but shall be designed to limit disturbance of vegetation and shall have a maximum width of 24 feet.

(5) Overhead and underground utilities that are required for the development are permitted to Howard a required buffer.

8.6 SCREENING OF OUTSIDE STORAGE AREAS OR SERVICE AREAS

(A) Intent and Applicability

In addition to all other landscaping standards in this section, screening shall be required to conceal specific nonresidential areas of high visual or auditory impact. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other landscaping material.

(B) Items to be Screened

The following areas shall be screened in accordance with this section:

(1) Large waste receptacles (dumpsters) and refuse collection points (including large recycling containers);

(2) Loading and service areas;

(3) Outdoor freezers or other accessory structures;

(4) Outdoor storage areas (including storage tanks) not subject to the outdoor storage requirements of Section 6.1(D);

(5) Mechanical equipment and utility meters not located on, and screened by, the building or structure.

(C) Screening Requirements

(1) All items to be screened shall be shielded from view from public roads and adjoining residentially zoned property.

(2) All items to be screened shall be located in the side or rear yards.

(3) All items to be screened shall be provided with a visual screen consisting of fences, walls, berms or approved plant materials or a combination thereof. The screening shall be at least one foot higher than the item to be screened but not less than six feet in height and shall extend along three sides of the items to be screened. For dumpsters, a gate shall be required on the fourth side where access is provided to the dumpster. The gate shall be opaque enough to shield from view the interior of the service area

(4) All plant materials used for required screens around service areas shall be of an evergreen variety.

(5) If an adjacent building provides screening on one side of the service area, only two sides need to be screened, bermed, or walled, with a gate required in front of the service area. The gate shall be opaque enough to shield from view the interior of the service area.

(6) Roof mounted mechanical equipment shall be screened by parapet walls or other screening device with height not lower than six inches below the height of mechanical equipment.

8.7 INSTALLATION AND MAINTENANCE

(A) Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be pruned, trimmed, and maintained in good and healthy condition.

(B) All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The property owner shall be responsible for continued, perpetual maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse, debris, and noxious and unsightly weeds at all times.

(C) The landscaping shall regularly be kept clean and free of debris, litter, and weeds.

(D) All unhealthy or dead plant material shall be replaced within 30 days, or by the next planting period, whichever comes first. Replacement material shall conform to the original intent of the landscaping and buffer plan.

(E) Violation of installation provisions or failure to maintain the landscaping shall constitute a violation of this resolution. Such violation shall be grounds for the Zoning Inspector to require replacement of the landscape material or initiate legal proceedings to enforce the provisions of this resolution.

Article 9: Parking, Loading, and Circulation Standards

9.1 Purpose

The purpose of these parking, loading, and circulation requirements is:

(A) To relieve congestion on the streets by requiring that parking be provided on property and off streets in relation to the parking demand generated by the land use of each property;

(B) To promote safety and convenience for people by requiring that parking and loading areas, and associated driveways, be located and constructed according to good standards for visibility and accessibility; and

(C) To protect the light, air, visual amenities, and values of residential areas by the visual screening of large parking and loading areas.

9.2 Applicability

Unless otherwise specified, the requirements of this article shall apply to the following:

(A) A zoning certificate application for the construction of a new principal building in all zoning districts;

(B) The alteration, expansion, or enlargement of any use that would require a change in parking, loading, or vehicle stacking spaces as required in this article; or

(C) The alteration, expansion, or enlargement of any use that has an existing nonconforming parking lot.

9.3 General Design Standards for All Vehicular Use Areas

All parking, loading, and vehicle stacking areas shall meet the requirements of this subsection.

(A) Maintenance

(1) All vehicular use areas shall be maintained free from litter, junk, or rubbish.

(2) All adjacent sidewalks shall be kept free from dirt, ice, sleet, and snow and in a safe condition for use by pedestrians.

(3) All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition.

(4) The owner shall maintain all paved surfaces in a smooth and dust-free condition and repair any disintegration of the surface by patching or resealing when such disintegration takes place. Such maintenance shall be at the owner's own expense.

(5) Any shared maintenance agreements between adjacent property owners shall be filed with the Knox County Recorder.

(B) Landscaping

Landscaping for vehicular use areas shall be as established in Article 8: Landscaping Standards.

(C) Fire Code

All vehicular use areas shall conform to all requirements set forth in the applicable fire code.

(D) Drainage

All vehicular use areas shall be graded, drained, and provided with adequate drainage and storm water management facilities so that the adjacent properties and rights-of-way, including sidewalks, are not subject to flooding by water run-off from the proposed vehicular use areas.

(E) Other Uses within Required Vehicular Use Areas

No vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any vehicular use area. Outdoor display, sales, or storage of any merchandise within any required vehicular use area are prohibited unless otherwise specifically permitted by this resolution.

(F) Surfacing for Areas Serving Nonresidential Uses

(1) All vehicular use areas shall be graded and paved with an asphalt or concrete surface unless otherwise provided in this article.

(2) Parking spaces within vehicular use areas may be surfaced with up to 100 percent of porous pavement (excluding gravel) or up to 25 percent of structural lawn provided that a maintenance plan is submitted with the zoning certificate application.

(3) Driveways and drive aisles shall not be surfaced with porous pavement or structural lawn.

(4) Failure to comply with any maintenance plan shall be a violation of this resolution.

(G) Lighting

All lighting within a vehicular use area shall be subject to the standards in Section 7.1: Exterior Lighting.

(H) Striping

The individual parking spaces and loading spaces shall be striped according to the approved layout of the vehicular use area.

9.4 OFF-STREET PARKING REQUIREMENTS

(A) Rules for Computing Parking Spaces

The following rules shall apply when computing parking spaces:

(1) Multiple Uses

Unless otherwise noted or approved, off-street parking areas serving more than one use shall provide parking in an amount equal to the combined total of the requirements for each use.

(2) Fractions

When a measurement of the number of required spaces results in a fractional number, any fraction of ½ or less shall be rounded down to the next lower whole number and any fraction of more than ½ shall be rounded up to the next higher whole number.

(3) Area Measurements

(a) Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area of all floors in a nonresidential building.

(b) Up to 15 percent of the gross floor area may be excluded from the above calculation if the area is used for storage, loading, unloading, or for mechanical equipment.

(4) Occupancy or Capacity Based Standards

(a) For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on a single shift, the maximum enrollment, or the maximum occupant load capacity as defined by the Ohio Building Code, whichever is applicable, and whichever results in a greater number of parking spaces.

(b) In the case of benches, pews and similar seating accommodations, each 18 inches thereof shall be counted as one seat for the purpose of determining the parking requirements.

(5) Unlisted Uses

(a) Upon receiving an application for a use not specifically listed in the parking schedule below, the Zoning Inspector shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use in regards to use, size and intensity of use.

(b) If the Zoning Inspector determines that there is no listed use similar to the proposed use, intensity, or size, the Zoning Inspector may refer to the estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) in Trip Generation or the American Planning Association's (APA) Parking Manual.

(B) Required Number of Spaces

(1) Table 9-1, defines the number of parking spaces required for each use within Howard Township.

(2) For all uses except single-family and two-family dwellings, the total number of parking spaces required in Table 9-1 may be reduced by 10 percent.

(3) The total number of spaces required in Table 9-1 may be reduced up to a maximum of 50% by utilizing the shared or off-site parking options in Section 9.4(E).

TABLE 9-1: NUMBER OF PARKING SPACES REQUIRED

Use	Number of Parking Spaces Required
Agricultural Use Classification	
Agricultural uses and Agritourism	None required
Nurseries or greenhouses	One space per 500 square feet of gross floor area, including both permanent and temporary greenhouses
Residential Use Classification	
Bed and breakfast establishments	One space per guestroom plus two spaces for the permanent dwelling unit.
Single-family, two-family, and multi-family dwellings and permanently sited manufactured housing	Two spaces per unit
Skilled nursing or personal care facilities, residential facilities, and all other residential uses	One space per each three beds or one per five residents, whichever is greater
Public and Institutional Use Classification	
Active parks and recreation	One space per 5,000 square feet of outdoor area or one space per five seats of stadium/arena seating provided
Cemeteries	One space per four seats in a chapel or place of assembly at maximum seating occupancy
Churches and places of worship	One space per each four seats in the main assembly area or one space per four persons at maximum capacity, whichever is greater
Educational facilities (primary or secondary)	One space per every four seats in the largest auditorium, stadium, or assembly room, whichever is greater, plus six spaces per classroom

TABLE 9-1: NUMBER OF PARKING SPACES REQUIRED		
Use	**Number of Parking Spaces Required**	
Educational facilities, higher	One space per every four seats in the largest auditorium, stadium, or assembly room, whichever is greater, plus five spaces per classroom	
Government offices and buildings	One space per 500 square feet of gross floor area	
Hospitals	One space per every two patient beds plus one space for every 300 square feet of gross floor area of outpatient clinics, laboratories, pharmacies, and other similar uses	
All other public and institutional uses	One space per 500 square feet of gross building floor area or one space per five permanent seat at maximum capacity, whichever is greater	
Commercial and Office Use Classification		
Automotive service or repair uses	One space per service bay plus one space per 400 square feet of retail space	
Banks and financial institutions	One space per 300 square feet of gross floor area	
Commercial entertainment or recreation (indoors)	One per 400 square feet of gross floor area; or One per five seats if stadium/arena seating provided	
Commercial entertainment and recreation (outdoors)	One per five seats if ballfield/stadium/arena seating provided; or one space per 8,000 square feet of outdoor area	
Day care centers (adult or child)	One space for every 400 square feet of gross floor area plus one space for every classroom or activity room	
Funeral homes or mortuaries	Six spaces for each parlor plus one space for each fleet vehicle or one space for each 50 square feet of floor area in assembly rooms used for services, whichever is greater.	
General offices (administrative, professional, business)	One space per 400 square feet of gross floor area	
Hotel or motel	One space per guest room	
Kennels and animal day cares	One space per 400 square feet of gross floor area	
Medical or dental clinics/offices	One space per 300 square feet of gross floor area	
Restaurant, tavern, microbrewery, microdistillery, or microwinery	One space per 150 square feet of gross floor area	
Theaters	One space for each four persons at maximum building capacity	
All other retail or service commercial uses	Building footprint less than 5,000 square feet of gross floor area	One space per 300 square feet of gross floor area
	Building footprint of 5,001 to 50,000 square feet of gross floor area	One space per 350 square feet of gross floor area
	Building footprint of 50,001 square feet or more of gross floor area	One space per 400 square feet of gross floor area
Industrial Use Classification – The total number of required spaces for uses in the industrial use classification shall be cumulative based on the variety of different functions present in a single use as established below		
Offices or administrative areas	One space per 300 square feet of gross floor area	
Indoor sales area and displays of goods manufactured on site	One space per 400 square feet of indoor gross floor area	
Indoor areas used for storage, warehousing, assembly, vehicular service, or general manufacturing activities	One space per 600 square feet of gross floor area	
Outdoor storage area (3,000 square feet or less)	One space per 1,500 square feet of gross outdoor area	
Outdoor storage area (more than 3,000 square feet)	One space per 2,500 square feet of gross outdoor area	
Miscellaneous Use Classification		
Essential services	Utilize the parking space requirements for the industrial use classification above.	
Mining and extraction		
Mixed use buildings	One space per 300 square feet of nonresidential gross floor area and one and one-half spaces for each dwelling unit	
Multi-tenant developments	One space per 350 square feet of gross floor area	

(C) Parking Requirements for Physically Disabled

Applicants shall provide parking spaces for the physically disabled as required by the Ohio Building Code and shall include all necessary markings, striping, and signage.

(D) Design Standards for Off-Street Parking

(1) Location of Parking Spaces

(a) Off-street parking areas with five or more parking spaces shall be:

(i) Set back a minimum of 30 feet from the road right-of-way; and

(ii) Shall not be located in any required landscape areas as established in Section Article 8: Landscaping Standards.

(b) Parking spaces in the residential zoning districts may be located in any required yard provided it is on a paved driveway or other parking surface. The driveway or parking surface shall be set back a minimum of one foot from all lot lines.

(c) In all nonresidential zoning districts, off-street parking may be located in any yard outside of any required landscaping or buffer areas. Such parking areas shall be set back a minimum of five feet from all lot lines and shall be surfaced in accordance with this article.

(2) Minimum Dimensions of Off-Street Parking Spaces

Parking spaces and driveway aisles shall have minimum rectangular dimensions of not less than the following:

(a) Parking stalls shall conform to the minimum standards set forth in Table 9-2 and Figure 9.4-A.

(b) Any parking space adjoining a landscaped area of the parking lot may include a two-foot overhang into the landscaped area as part of the required parking stall length, provided curbing or well-maintained wheel stops are used to prevent damage to landscaped areas.

TABLE 9-2: PARKING AREA DIMENSIONS

Angle of Parking (degrees)	One-Way Maneuvering Aisle Width (Feet) "A"	Two-Way Maneuvering Aisle Width (Feet) "A"	Parking Stall Width (Feet) "B"	Parking Stall Length (Feet) "C"
0 – Parallel	12	20	9	23
30 – 53	14	20	9	19
54 – 75	19	21	9	19
76 – 90	22	24	9	19

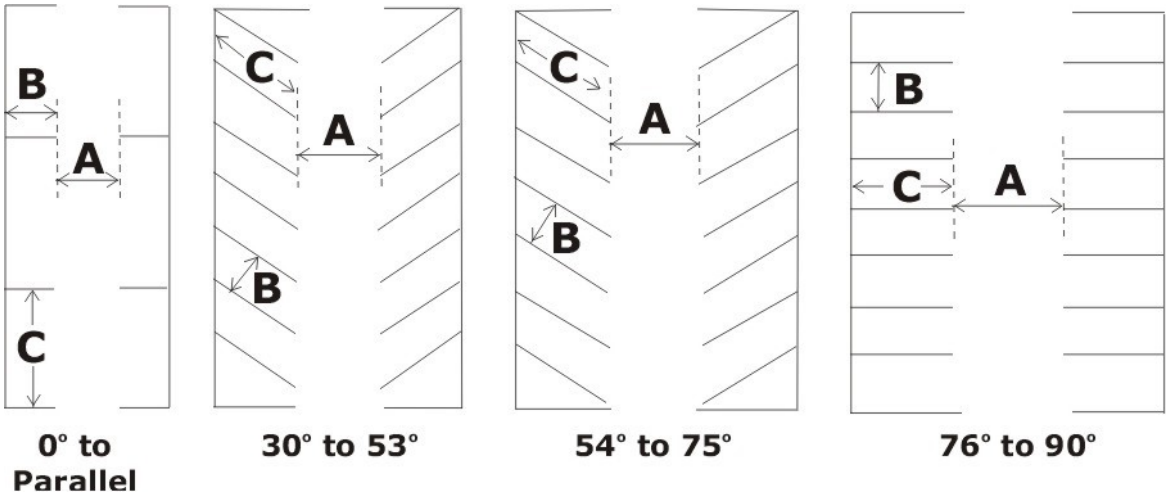

Figure 9.4-A: Parking area dimensions

(3) Access to Off-Street Parking Spaces

(a) Except in the case of single- and two-family dwellings, any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion.

(b) The entrances and exits of the parking area shall be clearly marked and parking areas having more than one aisle or driveway shall have appropriate arrows and striping on the pavement to indicate traffic direction.

(4) Wheels Stops and Curbs

(a) Curbs or wheel stops that are at least four inches high and four inches deep shall be provided for parking spaces located adjacent to walkways and sidewalks to protect pedestrians.

(b) Continuous curbing is discouraged but if curbing is used, it should be cut curbing or scissor curbing to allow for the passage of stormwater. See Figure 9.4-B.

Figure 9.4-B: Cuts in the continuous curb allow for stormwater to be directed into landscaped areas.

(c) Where provided, wheel stops or curbs shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space. In cases where the overhang will be over a landscaped area, the parking stall length may be reduced by two feet.

(d) Where provided, wheel stops and curbs should be designed to allow for snow removal and access to snow storage areas, including on landscaped islands and adjacent buffers.

(E) Shared or Off-Site Parking

A portion of the required parking spaces may be located on an adjacent or nearby property if the parking area complies with the following standards.

(1) Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.

(2) Off-site parking shall not be used to satisfy the off-street parking standards for residential uses.

(3) Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking area.

(4) Shared or off-site parking shall not be permitted on a vacant lot in a residential zoning district unless permitted by the BZA as part of a conditional use review.

(5) Shared or off-site parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.

(6) In the event that a shared or off-site parking area is not under the same ownership as the principal use served, a written parking agreement shall be required and must be approved by the township's legal counsel.

(7) No shared or off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include Crossing a right-of-way provided it uses a legal Crosswalk.

(8) The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared or off-site parking may be approved if it complies with the following standards:

(a) A sufficient number of spaces shall be provided to meet the highest demand of the participating uses.

(b) Evidence shall be submitted by the parties operating the shared parking area, to the satisfaction of the Zoning Inspector, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between the users of the parking spaces.

(c) Shared or off-site parking shall not account for more than 50 percent of the required parking spaces as established in Section 9.4(B): Required Number of Spaces.

(d) Any change in use of the activities served by a shared or off-site parking area will be deemed an amendment to the shared or off-site parking area plan and will require BZA review and approval.

(e) All shared or off-site parking plans and agreements shall be recorded in the office of the Knox County Recorder and a copy of the recorded document shall be provided to Howard Township prior to any zoning certificate or business use certificate being issued.

9.5 Off-Street Loading Requirements

A permanently paved and maintained area for standing, loading and unloading of delivery vehicles shall be provided for principal uses in the nonresidential districts. These off-street loading facilities shall be in accordance with the following specifications:

(A) Number of Spaces

This resolution does not require a minimum number of off-street loading spaces. However, uses which receive frequent deliveries are required to provide adequate space, built to the standards as identified in this subsection.

(B) General Design Standards

Every loading space that is provided shall be designed, constructed, and maintained in accordance with the standards and requirements set forth in this subsection.

(1) Location of Required Loading Spaces

(a) Loading spaces shall be located on the same lot as the building or structure to which they serve. No loading space shall be located in any required front yard, nor shall it permit any vehicle to extend into any front yard or across any lot lines of a more restrictive district while the vehicle is being loaded or unloaded.

(b) Loading spaces shall be set back a minimum of 25 feet from any lot line in a residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six feet in height.

(c) In all other cases, loading spaces shall be set back a minimum of ten feet from all lot lines.

(2) Dimensions

No required loading space shall be less than 12 feet in width or 25 feet in length or have a vertical clearance of less than 14 feet.

(3) Access

(a) Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation.

(b) No part of any truck or van that is being loaded or unloaded may extend into the right-of-way of a public thoroughfare.

(c) Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent backing of trucks onto any street right-of-way.

(4) Screening

Loading spaces shall be screened in accordance with Section 8.6.

9.6 VEHICLE STACKING REQUIREMENTS

Where drive-through facilities are permitted, vehicle stacking spaces shall be provided according to this section.

(A) General Standards

(1) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall be set back a minimum of 200 feet from any adjacent residential dwelling unit.

(2) All drive-through areas, including but not limited to drive-through signs, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not Cross, interfere with, or impede any public right-of-way.

(B) Stacking Space and Lane Requirements

(1) The number of required stacking spaces shall be as provided for in Table 9-3. See Figure 9.6-A for illustration of stacking spaces:

TABLE 9-3: STACKING SPACE REQUIREMENTS		
Activity	**Minimum Stacking Spaces (per lane)**	**Measured From:**
Financial Institution or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant	6	First Pick-Up Window that is closest to the Drive-Through Sign/Order Box
Full-Service Car/Truck Wash	6	Outside of Washing Bay
Self-Service or Automated Car/Truck Wash	2	Outside of Washing Bay
Other	As determined by the Zoning Inspector	

(2) Stacking lanes shall be provided for any use having a drive-through establishment and shall apply comply with the following standards:

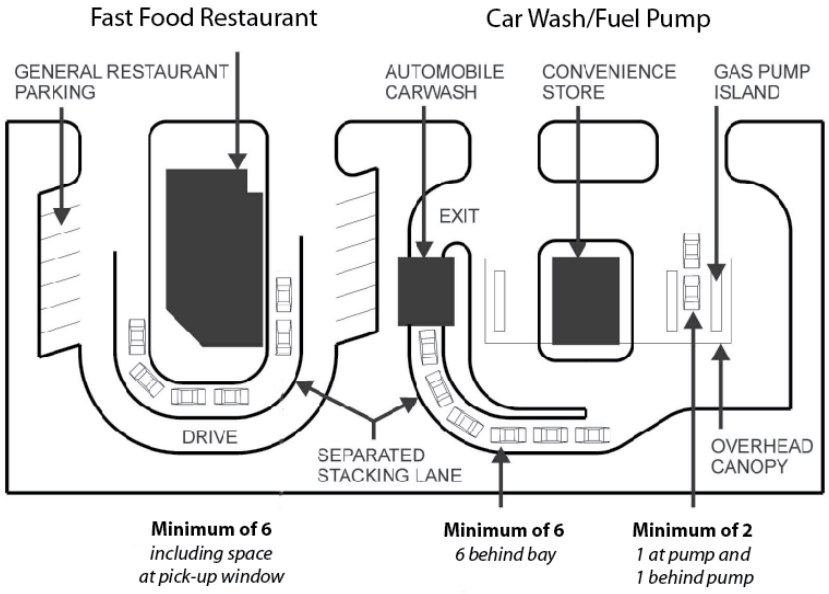

Figure 9.6-A: Location of stacking spaces and lanes. Note that the stacking lanes are oriented toward the side and rear yards rather than the front yard.

(a) Drive-through stacking lanes shall have a minimum width of ten feet and a minimum length of 18 feet for each space required.

(b) When stacking lanes are separated from other stacking lanes, bypass lanes or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, or landscaping, or striping to designate the stacking lanes.

(c) Stacking lanes shall be set back 25 feet from rights-of-way.

(d) The number of stacking spaces required by Table 9-3 shall be required for each separate stacking lane. If two or more stacking lanes converge into one lane (e.g., two lane separate lanes to order at a restaurant converge to one lane after the drive-through sign), the stacking spaces shall be measured in accordance with Table 9-3 with the spaces located after the convergence point counting toward both stacking lanes.

9.7 PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES

(A) Parking and Storage of Commercial Vehicles

(1) Only those vehicles that are classified as a Class 1, Class 2, or Class 3 vehicle by the Federal Highway Administration are permitted to be parked or stored on residential lots in the R-1 District and on any residential lot in a PUD that is less than one acre in size. All other classification of vehicles may only be parked or stored on residential lots when within a fully enclosed building.

(2) Residents who rent or lease a commercial moving vehicle for the purpose of moving their personal or household goods, may park the vehicle in their driveway for up to 48 hours for the purpose of loading and unloading.

(B) Parking and Storage of Recreational Vehicles

(1) All recreational vehicles that are parked or stored outside of an enclosed building, in any district, shall be subject to the following general standards:

(a) Recreational vehicles shall not be used as living quarters, whether temporary or permanent, and no business shall be conducted in a recreational vehicle while the vehicle is stored.

(b) Recreational vehicles shall not have a permanent connection to electric, water, gas or sewer facilities.

(c) Recreational vehicles shall be maintained and kept in good repair and carry the current year's license and/or registration as required by the State of Ohio.

(d) Recreational vehicles shall not be parked or stored in any right-of-way or on any private street.

(2) The following standards shall apply to the parking and storage of recreational vehicles on residential lots in the R-1 District or on any residential lot in a PUD that is less than one acre in size:

(a) There shall be no more than a one recreational vehicle stored outside on a single lot in a residential zoning district.

(b) Recreational vehicles not exceeding 32 feet in length, may be parked on a residential lot subject to the following conditions:

(i) In an enclosed garage or permitted accessory building; or

(ii) On the premises of the owner, outside of an enclosed garage or permitted accessory building, provided that all wheels of the recreational vehicle are resting entirely upon a hard surface (paved with concrete, asphaltic concrete or other hard surface not gravel) or on a surface of pervious pavers or pavement, as approved by the Zoning Inspector.

(c) Recreational vehicles 32 feet or longer in length shall only be permitted when stored within an enclosed building or in the side or rear yards.

(3) Recreational vehicles may be parked or stored on any lot in any other district provided the parking and storage complies with the general standards of Section 12.08(B)(1) above.

Article 10: Signage Standards

10.1 Purpose

The purpose of this article is to promote the public health, safety, and welfare through the provision of standards for existing and proposed signs of all types. More specifically, this article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech while also:

(A) Enhancing and protecting the physical appearance of the community;

(B) Promoting and maintaining visually attractive, residential, retail, commercial, and manufacturing districts;

(C) Balancing the rights of individuals to convey messages through signs with the right of the public to be protected against the unrestricted proliferation of signs;

(D) Ensuring that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment;

(E) Preventing the erection of structures of any kind that will obstruct sight distance at the intersection of streets, alleys, or driveways;

(F) Preventing the erection of poorly constructed and unsafely located, posted, or painted signs;

(G) Providing review procedures that enable the township to comprehensively evaluate the appropriateness of a sign to the site, building, and surroundings;

(H) Regulating the proper construction, maintenance, safety, and structural soundness, as well as the appearance and attractiveness of signs; and

(I) Prohibiting all signs not expressly permitted by this article.

10.2 Applicability

(A) It shall hereafter be unlawful for any person to erect, place, relocate, expand, modify, maintain, or otherwise alter a sign, or cause a sign to be erected, placed, relocated, expanded, modified, maintained, or otherwise altered except in accordance with the provisions of this article.

(B) Unless otherwise provided, this section shall apply to any sign, in any zoning district, that is visible from the public right-of-way or from property other than the property on which the sign is located.

(C) Any sign already established on the effective date of this section or future amendment thereto, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of Section 10.11: Nonconforming Signs.

10.3 Zoning Certificate Required

(A) No person shall erect, place, relocate, expand, modify, maintain, or otherwise alter a sign, or cause a sign to be erected, placed, relocated, expanded, modified, maintained, or otherwise altered unless all provisions of this resolution have been met. To ensure compliance with these regulations, a zoning certificate shall be required to be issued unless specifically exempted in this article.

(B) Exemptions from the Zoning Certificate Requirements

The following signs are subject to the requirements of this article and are allowed in all districts but do not require a zoning certificate Additionally, any sign area for these signs do not count toward the sign area allowances specified in this article for all other permitted signs. Certificate-exempt signs, or the structures they are attached to, may still be subject to building code or other applicable code requirements.

(1) Signs and/or notices issued by any court, officer or other person in performance of a public duty. Any such sign shall be removed no later than seven days after the last day it is required to be displayed;

(2) Any signage located inside a building that is not visible from the exterior of the building. Signs in windows that are mounted in such a way as to be viewed from outside the building shall be considered window signs subject to the provisions of Section 10.9(D);

(3) For the purpose of safety services locating a property, a sign denoting the number and street address of the premises is permitted provided such sign complies with the requirements of the applicable building and fire code.

(4) Signs that are located within a cemetery, stadium, open-air theater, park, arena or other outdoor use that are not visible from a public right-of-way or adjacent property, and can be viewed only by persons within such use;

(5) Sign face changes where the sign structure is designed with interchangeable panels and one of the panels is replaced without changing the structure, including any changes to the total sign face area, height or alteration of the sign cabinet;

(6) Window signs in accordance with Section 10.9(D);

(7) Changes of copy on signs with changeable copy;

(8) Certain temporary signs as established in Section 10.10: Temporary Signs;

(9) Any sign located on umbrellas or similarly related private patio furniture or seating provided it is located outside of the right-of-way and complies with any other applicable standards of this code;

(10) Hand-held signs not set on or affixed to the ground;

(11) Any sign on a truck, bus or other vehicle that is used in the normal course of a business for transportation (See also Paragraph 10.4(H).) or vehicle signage required by the State or Federal government;

(12) Signs installed or required by the Howard Township, Knox County, approved transit agency, or any agency of the State of Ohio or federal government;

(13) One wall sign is permitted on each individual lot used for residential purposes provided the sign is mounted flush to the facade of the principal dwelling and does not exceed two square feet. Such sign may also be permanently attached to a window. The sign shall not be internally or externally illuminated;

(14) Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, drive-through signage, automated teller machines, or similar devices that are not of a size or design as to be legible from a street or by any person other than those using the machine or device;

(15) Any lighting, signs, or related decorations erected on a seasonal basis in observance of religious, national, or state holidays that are not intended to be permanent in nature and which do not contain a commercial message.

(16) No more than four flags located on flagpoles or on wall-mounted posts provided that the following shall apply:

(a) The maximum height of flag poles shall not exceed the maximum building height for structures in the subject zoning district, and a maximum sign area of area of 40 square feet for any individual flag attached to the pole.

(b) The maximum projection for wall-mounted flag post is six feet and a maximum sign area of 15 square feet per flag.

(17) General maintenance, painting, repainting, cleaning and other normal maintenance and repair of a sign or any sign structure unless a structural change is made.

10.4 Prohibited Sign Types

The following types of signs are specifically prohibited within the township:

(A) Signs that are applied to trees, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way;

(B) Any sign or sign structure which in the opinion of the Zoning Inspector is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;

(C) Signs installed, erected, or attached in any shape, manner, or form, to a fire escape or to any door or window that is required ingress and egress for fire safety;

(D) Balloon signs and air-activated graphics;

(E) Pennants, streamers and other similar type devices;

(F) Signs that employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention except for electronic message centers permitted in accordance with this article;

(G) Laser lights, beacons and searchlights, except for emergency purposes;

(H) Motor vehicles, tractor trailers, or similar vehicles with signs painted on, attached to, or otherwise affixed to the vehicle shall not be parked or stored long-term on a lot as a form of signage. This standard does not apply to vehicles used in the day-to-day business of the applicable use (e.g., delivery vehicles or vehicles used by employees). Vehicles with signage that are parked for more than 24-hours on a lot without a principal use or parked, without any movement, for more than one week on a lot with a principal use, shall be considered a violation of this subsection.

(I) Any signs that utilize illumination by means of bare bulbs, flames, or both. This shall not include neon signs;

(J) Any signs which imitate or resemble official traffic or governmental signs that are designed or used in a manner as to interfere with, mislead, or confuse drivers along streets;

(K) Any sign that violates the traffic visibility requirements of Section 7.2: Intersection Sight Visibility;

(L) Any sign located in a public right-of-way except as provided for in Section 10.6(L);

(M) Blade or feather signs;

(N) Signs mounted to light poles;

(O) Roof signs; and

(P) Any other sign type that is not specifically allowed by this article.

10.5 Sign Measurements and Computations

The following regulations shall control the computation and measurement of signs.

(A) Sign Setback

All required setbacks for signs shall be measured as the distance in feet from the applicable lot line, or other stated point of measurement, to the closest point on the sign structure.

(B) Sign Height

(1) The height of a sign shall be computed as the distance from the base of the sign at normal grade (average grade at the base of the sign) to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely undertaken for the purpose of locating or increasing the height of sign.

(2) In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street. See Figure 10.5-A. Such measurement shall only be used when the street is the same street used to access the lot on which the sign will be located.

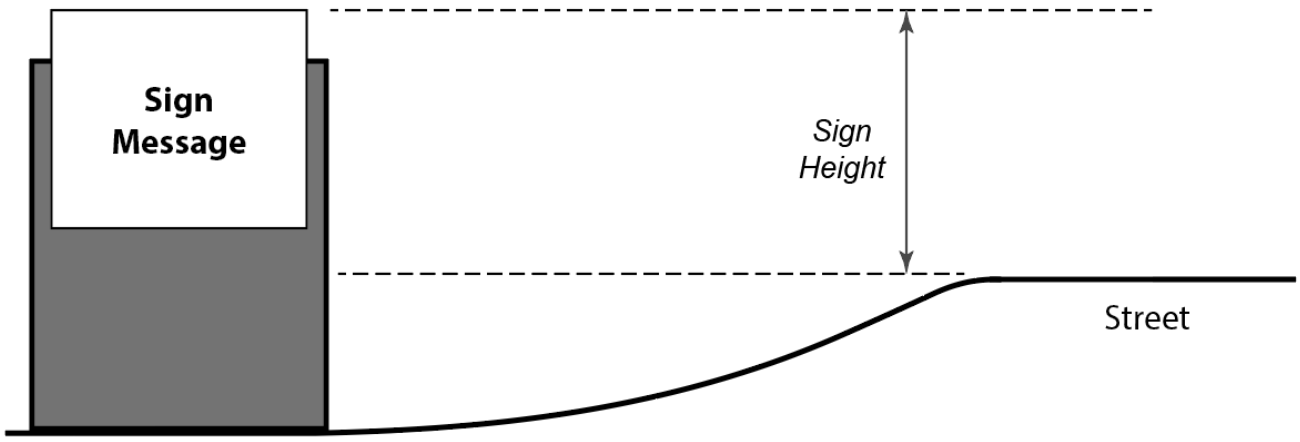

Figure 10.5-A: Illustration of the measurement of sign height when the grade at the bottom of the sign is below the grade of the adjacent street.

(3) The height of an awning, canopy, projecting, wall or window sign shall be determined by measuring the vertical distance between the top part of a sign panel or individual letters or characters, whichever is highest, to the elevation of the ground underneath the sign.

(4) Any material whose major function is providing structural support for a sign shall be considered part of the sign for purposes of determining sign height.

(C) Sign Area

The surface of a sign to be included when computing maximum allowable square footage of sign area shall be calculated as follows:

(1) When calculating street frontage, only the street frontage that lies in the unincorporated area of Howard Township shall be used in the calculation.

(2) For sign copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface. See Figure 10.5-B, Figure 10.5-C, and Figure 10.5-D.

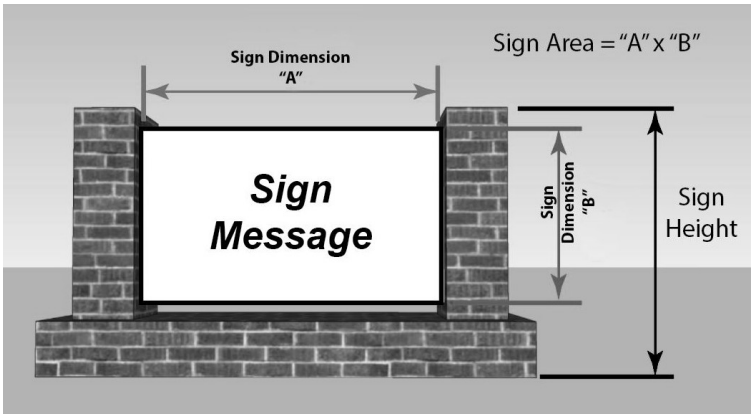

Figure 10.5-B: Illustration of sign area calculation for a monument sign with copy on a distinct cabinet.

Figure 10.5-C: Illustration of computing the sign area for wall signs with a background panel or cabinet.

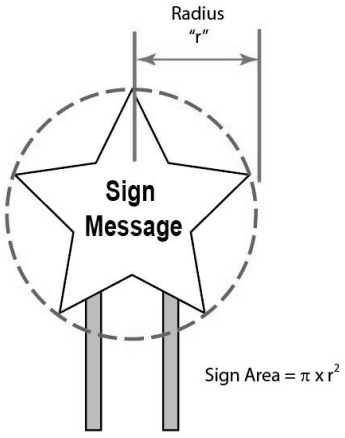

Figure 10.5-D: Example of sign area computation by the smallest circle encompassing the extreme limits of the sign message. For the purposes of calculations, π equals 3.14.

(3) For sign copy where individual letters or elements are mounted or painted on a building facade where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the combination of the smallest square, circle, rectangle, triangle, or combination thereof that encloses all the letters or elements associated with the sign. See Figure 10.5-E. In cases where there are multiple sign elements on the same surface, the Zoning Inspector shall have the authority to determine the outermost boundaries of individual sign elements. Decorative edging or other window treatments that are not an integral part of the sign copy shall not be considered a part of the sign for the purposes of this article. See Figure 10.5-E and Figure 10.5-F.

Figure 10.5-E: Illustration of sign area calculation for two differently shaped wall signs with individual letters.

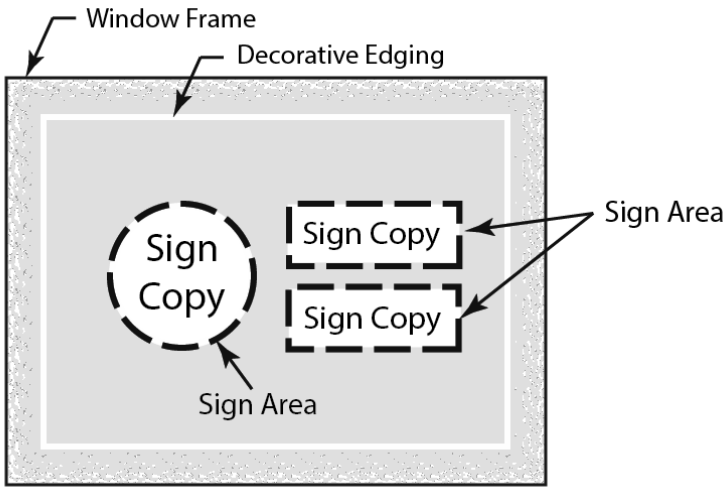

Figure 10.5-F: Illustration of sign area calculations for multiple sign areas on a window sign

(4) The calculation of sign area shall not include any supporting framework, bracing, or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other commercial message, as determined by the Zoning Inspector. See Figure 10.5-B.

(5) Where matter is displayed in a random or unconnected manner, without organized relationship of components, each component shall be considered to be a single sign.

(6) In the case of a three-dimensional sign where the sign faces are not mounted back-to-back, the sign area shall be calculated by the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the profile of the sign message. The profile used shall be the largest area of the sign message visible from any one point.

(7) Except for three-dimensional signs, the sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces when the interior angle is greater than 45 degrees.

(8) When two identical, flat sign faces are placed back-to-back or at angles of 45 degrees or less, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 12 inches apart, the sign area shall be computed by the measurement of one of the faces. If the two faces are unequal, the sign area shall be calculated based on the larger of the two faces

(D) Determining Building Frontage and Building Facades

(1) For the purposes of this article, the length of the building wall that faces a public street shall be considered the building frontage or building facade.

(2) The calculation of the width or lineal measurement of any facade shall be the measurement of the facade between two side facades. The calculation shall be based on viewing the facade from a 90-degree angle (i.e., straight on), regardless of facade insets, offsets, or angles. See Figure 10.5-G.

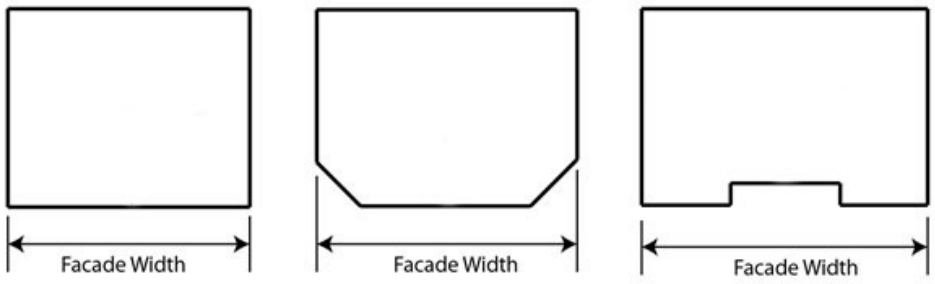

Figure 10.5-G: Illustration of facade width measurement on varied facade shapes.

(3) For multi-tenant buildings, the portion of a building that is owned or leased by a single occupant or tenant shall be considered the tenant space. The building frontage for a tenant space shall be measured from the centerline of the party walls defining the tenant space.

10.6 General Regulations

Unless otherwise specifically stated, the following regulations shall apply to all signs within the township:

(A) All signs shall be professionally manufactured, or of equivalent quality.

(B) All sign supports shall be an integral part of the sign design.

(C) The construction, erection, safety, and maintenance shall comply with all applicable building and electrical codes.

(D) No sign or sign structure shall be placed on private or public property without the consent of the owner or agent thereof.

(E) No signs shall be located nearer than eight feet vertically, or eight feet horizontally from any overhead electric wires or conductors or public utility guy wires.

(F) All signs shall maintain a minimum clearance over pedestrian and vehicular ways, as required by the adopted building code.

(G) Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections.

(H) All signs shall be subject to the clear vision triangle standards established in Section 7.2: Intersection Sight Visibility.

(I) Permanent signs shall be fabricated with rigid materials that are of good quality and good durability.

(J) In the event there is a conflict between the provisions of this section and the provisions of any applicable building codes, the provisions of the applicable building code shall govern.

(K) General Standards for All Permanent Signs

(1) All freestanding signs shall be located in a landscaped area equal to or larger than the total sign area of the applicable sign. Such landscaped area may be an area that fulfills any landscaping requirements of this resolution.

(2) The landscaped area shall include all points where sign structural supports attach to the ground.

(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 applicable building or electrical codes.

(4) Any sign that is mounted or hung over a vehicular use area or sidewalk shall be mounted so there is a minimum clearance of eight feet above the sidewalk and 16 feet above any driveway or vehicular use area. This clearance shall not apply to any poles or supporting structures allowed by this article.

(5) The back side of all permanent signs that do not contain a second sign face, and structural supports shall be completely enclosed.

(L) Signs in Rights-of-Way

(1) Signs shall be prohibited in the right-of-way except for:

(a) Signs installed by Howard Township, Knox County, State of Ohio, federal government, or approved transit agency;

(b) Any warning signs or traffic safety signs required by public utility providers; or

(c) Sidewalk signs as allowed in Section 10.10: Temporary Signs.

(2) The Zoning Inspector may remove or cause to be removed any unlawful sign in the public right-of-way.

(M) Illumination

Where illuminated signs are permitted, such signs shall comply with the following:

(1) Light sources shall be shielded from all adjacent buildings and streets.

(2) Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists or cause reasonable objection from adjacent residential districts.

(3) No colored lights shall be used in a location or manner in which they might be confused with traffic control devices or vehicular traffic.

(4) An illuminated sign or lighting device shall employ only light of constant intensity.

(5) Electronic Message Centers

(a) All electronic message centers shall be set back a minimum of 200 feet from a residential dwelling unit.

(b) Any message change shall be a static, instant message change.

(c) Messages can only change once every eight seconds or longer.

(d) The transition time between messages shall be less than one second.

(e) All electronic message centers shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

(f) The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.

(g) Illumination shall not exceed 0.3 footcandles over ambient lighting conditions when measured at 50 feet in any direction from an electronic message center sign.

(h) Audio emissions from electronic message center signs shall be prohibited.

(N) Maintenance

(1) All signs shall be maintained in a safe and good condition at all times to avoid becoming a deteriorated sign, including, but not limited to, the replacement of defective bulbs, parts or materials, painting, repainting, cleaning and other acts required for the maintenance of said sign.

(2) Failure to maintain a sign in accordance with this section shall be a violation of this resolution, subject to Article 12: Enforcement and Penalties.

10.7 SIGNS PERMITTED IN PUD DISTRICTS

(A) All development in a PUD District shall be subject to the standards of this article unless otherwise modified through the PUD review and approval process. In general:

(1) Single-family residential uses and public and institutional uses in a PUD shall comply with the sign requirements of the R-1 District.

(2) Multi-family residential uses in a BMF shall comply with the sign requirements of the R-4 District.

(3) Commercial and office uses in a B-1 shall comply with the sign requirements of the B-3 District.

(4) Industrial uses in a PUD shall comply with the sign requirements of the B-1 District.

(B) This section shall apply to both permanent and temporary signs.

10.8 PERMANENT SIGNS IN THE C-1, AG, AND R-1 DISTRICTS

The following are the permanent signs allowed in C-1, AG, and R-1Districts:

(A) Signs at Entrances

Two wall signs or one permanent freestanding monument sign may be permitted for any subdivision or multi-family dwelling development that contains 25 units/lots or more provided that the signs comply with the following:

(1) General Standards

(a) Each sign may have a maximum sign area of 36 square feet.

(b) No such sign or any portion of the structure shall exceed six feet in height.

(c) The sign may only be illuminated through an external light source.

(2) Monument Sign

(a) A maximum of one freestanding monument sign may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Zoning Inspector.

(b) In all cases, the sign shall be set back a minimum of 10 feet from any rights-of-way and 20 feet from any lot lines.

(c) The monument sign shall have a maximum of two sign faces, mounted back-to-back.

(d) If an applicant proposes to use a monument sign, no wall signs, as allowed in Section 10.8(A)(3), below, shall be permitted.

(3) Wall Signs on Entry Fences or Walls

(a) A maximum of two wall signs may be permitted for each entrance to the subdivision or development on a collector or arterial street, as determined by the Zoning Inspector.

(b) If two signs are utilized, the signs shall be separated by a minimum of 50 feet.

(c) The signs shall be mounted to a decorative wall or fence that generally runs parallel with the street.

(d) If an applicant proposes to use wall signs, no monument sign, as allowed in Section 10.8(A)(2), above, shall be permitted.

(B) Signs for Agricultural Uses and Nonresidential Uses in the C-1, AG, and R-1 Districts

(1) For any agricultural use or nonresidential use that is permitted in a residential zoning district, such use shall be permitted the same amount and types of signage allowed for the B-1 District.

(2) This provision shall not apply to signs located on lots used exclusively for residential dwellings.

(3) Freestanding signs for such agricultural or nonresidential uses may include electronic message centers that comply with the following standards:

(a) The size of an electronic message center sign shall not exceed 75 percent of the total sign area. The area of an electronic message center sign shall be included in the applicable maximum sign area allowed for the freestanding sign.

(b) Electronic message centers shall only be permitted on monument signs.

(c) Electronic message centers shall be in compliance with Section 10.6(M)(5).

10.9 PERMANENT SIGNS IN THE B-1 AND BMF DISTRICTS

The following standards apply to signs in the B-1 and BMF Districts:

(A) Building Signs

Building signs are permitted on all principal structures in accordance with the following:

(1) The total amount of sign area allowed for building signs on the entire building shall not exceed two square foot of sign area per lineal foot of facade width.

(2) For buildings that have multiple tenant spaces or building units, each with their own exterior entrance, the amount of sign area allowed for each tenant shall not exceed two square foot of sign area per lineal foot of facade width of the portion of the facade used by that individual tenant or building unit.

(3) Signs may be attached to any facade that faces a right-of-way or another lot in the B-1 or BMF Districts using the ratios above. However, the sign allowance for each facade shall be used on the applicable facade and shall not be aggregated and placed on an individual facade.

(4) The building sign area shall include the total amount of all awning, canopy, projecting, or wall signs on each facade wall. Standards for each individual building sign type are established in this section.

(5) Building signs may not be attached to mechanical equipment or roof screening.

(6) Building signs shall not include electronic message centers.

(7) There is no maximum number of building signs but the total square footage of building signs located on a single facade shall comply with the requirements of this section.

(8) Standards for Permanent Building Sign Types

(a) Wall Signs

(i) Wall signs shall be mounted on or flush with a wall and shall not protrude more than 24 inches from the wall or face of the building to which it is attached.

(ii) A wall sign may be painted directly on a building wall, mounted on the facade wall, or mounted on a raceway.

(iii) Permanent signs that are attached to gas pumps, gas pump islands, or similar structures, that can be read or understood from a public street by most persons of normal vision shall be considered a wall sign for the purposes of this article and shall be based on the wall sign allowance for the principal building.

(iv) Wall signs may be internally or externally illuminated.

(b) Awning or Canopy Signs

Any canopy or awning sign allowed pursuant to this section shall comply with the following standards:

(i) Signage shall not cover more than 50 percent of any individual awning, canopy, or marquee.

(ii) An awning, canopy or marquee shall be considered part of the face of a structure. However, no sign may project more than six inches from an awning, canopy or marquee.

(iii) All components of the awning or canopy shall have a minimum height clearance of eight feet from the sidewalk.

(c) Projecting Signs

(i) Only one projecting shall be permitted for each tenant on each street frontage where the tenant has building frontage.

(ii) A projecting sign shall be perpendicular to the wall of the building to which it is attached and shall not extend more than four feet from the facade wall to which it is attached.

(iii) Projecting signs shall maintain a minimum six-inch clearance from the facade of any building.

(iv) Decorative supporting structures for projecting signs are encouraged and shall not count toward the maximum square footage of signs allowed, however, in no case shall the supporting structure exceed six square feet.

(v) The maximum sign area for a projecting sign shall be nine square feet.

(vi) Projecting signs shall not be internally illuminated.

(vii) Projecting signs must be suspended from brackets approved by any building official with authority and shall contain no exposed guy wires or turnbuckles.

(viii) Projecting signs shall not extend over the right-of-way or over any internal drive with vehicular access.

(ix) If a projecting sign is illuminated it shall be by indirect lighting methods such as gooseneck lighting.

(B) Freestanding Signs

Permanent freestanding signs permitted in the B-1 and BMF districts shall comply with the following regulations:

(1) One permanent freestanding sign shall be permitted for each lot in a B-1 or BMF district. For lots that have frontage on multiple public streets, one permanent freestanding monument sign may be placed on each frontage based on the standards in this subsection.

(2) Table 10-1 identifies the maximum sign area, sign height, and required setbacks for permanent freestanding signs.

TABLE 10-1: PERMANENT FREESTANDING SIGNS

Lot Width	Maximum Sign Area	Maximum Sign Height	Minimum Setback from a Right-of-Way Line or Lot Line
0 - 100 feet	50 square feet	20 Feet	10 feet
101 - 200 feet	100 square feet		
201 - 300 feet	150 square feet		
301 or more feet	200 square feet		

(3) The freestanding sign may include manual changeable copy signs (reader boards) or electronic message centers as regulated in Section 10.6(M)(5).

(C) Driveway Signs

Permanent signs shall be permitted near driveway entrances to a street and at intersections of internal drives under the following provisions:

(1) Driveway signs shall comply with the vision clearance requirements of Section 7.2: Intersection Sight Visibility but in no case shall the sign be set back more than 25 feet from the driveway entrance or intersection of internal drives. Furthermore, such signs shall be set back a minimum of two feet from the public right-of-way or easement for roadway purposes.

(2) Up to two driveway signs may be permitted per individual driveway or internal intersection.

(3) Driveway signs may not exceed six square feet in area and four feet in height.

(4) Driveway signs may be internally or externally illuminated.

(5) Driveway signs may be mounted on a pole provided the entire structure does not exceed the maximum sign height established above. Landscaping shall be plants around the base of such signs to screen any poles or supporting structures.

(6) Driveway signs shall not be included in the total calculated allowed signage for a property under the remainder of this article.

(D) Window Signs

Window signs are allowed and do not require a zoning certificate provided they comply with the following standards:

(1) Window signs shall not occupy more than 50 percent of the window area. See Figure 10.9-A for locations used in the calculation of sign area. The sign area is based on the window area, regardless of the presence of an awning.

(2) Window signs may be temporarily or permanently attached.

Figure 10.9-A: The window area is illustrated within the dashed line area for the two storefronts in the above image.

10.10 TEMPORARY SIGNS

The following are the types of temporary signs allowed in Howard Township, including any applicable regulations for each type of sign.

(A) Standards Applicable to All Temporary Signs

(1) Temporary signs shall not be mounted, attached, affixed, installed or otherwise secured in a manner that will make the sign a permanent sign.

(2) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roofline of a structure.

(3) All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles or structures.

(4) Unless otherwise specifically stated, temporary signs shall not be illuminated.

(5) No temporary sign shall require a foundation, support, wiring, fittings, or elements that would traditionally require a building permit or electrical permit. If such permits are required, the sign shall be considered a permanent sign.

(6) Temporary signs shall not be affixed to any permanent sign or permanent structure except when a banner sign is permitted to cover a permanent sign in accordance with Section 10.10(A)(9) or when such sign is attached to the principal building as permitted in this article.

(7) No streamers, spinning, flashing, windblown devices or similarly moving devices shall be allowed as part of or attachments to temporary signs.

(8) Where a temporary sign is designed to have two sign faces (sidewalk signs or temporary yard signs), such sign faces shall be of the same size and mounted back-to-back. In the cases of an A-frame sidewalk sign, the sign faces shall be mounted back-to-back but may have an angular separation between faces to form the A-frame shape.

(9) For zoning certificate applications related to the establishment of a new use or change of use within an existing building, where there is existing permanent sign, a banner sign may be approved for up to 60 consecutive days to cover the existing permanent signs. Such banner sign shall not exceed the sign area of the permanent sign and shall require a zoning permit.

(10) Temporary signs shall be constructed of a material that is substantial enough to withstand typical winds and weather for the duration of the placement.

(11) Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such sign is deteriorated.

(12) No zoning certificate shall be required for temporary signs but all temporary signs shall comply with the provisions of this article.

(B) Temporary Sign Allowances

(1) Table 10-2 establishes the allowances for temporary signs in all zoning districts. All sign types are subject to the general provisions above and the sign-type standards that follow the table.

TABLE 10-2: TEMPORARY SIGN ALLOWANCES

Message	Noncommercial Message	Commercial Message		
Zoning Districts	All Districts	C-1, AG, and R-1	B-1 and BMF	
Time Limit	Unrestricted	Unrestricted	Unrestricted	30 Days per Quarter [1]
Maximum Number or Area per Lot	Unlimited	12 Square Feet [2]	32 Square Feet	20% of Permanent Building Signage Allowed or 32 Square Feet, Whichever is Less
Maximum Sign Area per Sign	32 Square Feet	6 Square Feet [2]	16 Square Feet	
Maximum Height	6 Feet	6 Feet	6 Feet	6 Feet
Permitted Sign Types	Banner, Window, and Yard	Window or Yard	Banner, Sidewalk, or Yard	Banner or Yard

NOTES:
[1] A quarter shall be defined as evenly timed quarter of the calendar year (January to March, April to June, July to September, and October to December).
[2] For lots or subdivisions that are larger than five acres, the maximum sign area may be increased to 32 square feet with a maximum height of six feet. No single sign shall exceed 16 square feet in sign area.

(2) Temporary Sign Type Standards

(a) Banner Signs

(i) Banner signs shall not be subject to the maximum height requirements of this section provided they are not attached above any roofline.

(ii) Banner signs can be affixed to a building but not a fence unless such fence is enclosing an outdoor dining area adjacent to the building.

(b) Sidewalk Signs

(i) Only one sidewalk sign is allowed for each business establishment and shall be located within five feet of the entrance of such business.

(ii) The sidewalk sign shall be limited to an A-frame sidewalk sign or a T-frame sidewalk sign.

(iii) There shall be no time limitation for sidewalk signs with the exception that the sign shall only be placed outside during the hours of the establishment's operation.

(iv) Such signs shall not exceed six square feet in area with a maximum height of four feet.

(v) The sign may be located on a public or private sidewalk or walkway provided it is placed on pavement and not in any landscaped areas. Additionally, such signs shall not be placed on pavement used for vehicles (e.g., driveways and parking lots).

(vi) The width and placement of the sign shall be such so that there shall be a minimum width of five feet of clear and passable sidewalk or walkway for pedestrians.

(vii) The sign must be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure.

(viii) The sign must not obstruct access to parking meters, bicycle racks and other features legally in the right-of-way.

(ix) The sign must not interfere with the opening of car doors in legal spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones or bus stops.

(x) The sign shall be internally weighted so that it is stable and windproof.

(xi) Howard Township shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.

(3) Window Signs

Temporary window signs shall not be affixed permanently to the window.

(4) Yard Signs

Temporary yard signs are prohibited in the right-of-way and shall be set back a minimum of 10 feet from adjoining lot lines.

10.11 Nonconforming Signs

(A) Determination of Legal Nonconformity

Existing signs that do not conform to the specific provisions of this article may be eligible for the designation of a “legal nonconforming sign” provided that the nonconforming sign:

(1) Is properly maintained and does not in any way endanger the public or constitute a nuisance; and

(2) The sign was erected pursuant to a valid zoning certificate or variance and complies with all other applicable laws on the effective date of this resolution.

(B) Loss of Legal Nonconforming Status

A legal nonconforming sign loses the legal nonconforming designation if:

(1) The sign is relocated;

(2) The sign structure is replaced;

(3) The establishment where the sign is located ceases to operate for a period of two years. This does not refer to general maintenance, changeable marquees, or to face and copy changes; or

(4) The sign is removed or abandoned for a period of two years. This does not refer to general maintenance, changeable marquees, or face and copy changes.

10.12 SIGNS IN VIOLATION

(A) Any sign or device located within a public right-of-way shall be deemed a public nuisance and can be removed by the Zoning Inspector without any written notice.

(B) If any such sign or device has not been removed on or before the expiration of the time limits as stated in this section, following receipt of said notice, it shall be deemed a violation of this resolution and the Zoning Inspector shall take the appropriate action necessary for removal of the sign or device, or the correction of the violation at the owner's expense.

Article 11: Nonconformities

11.1 Purpose

Within the districts established by this resolution, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this resolution, but that are prohibited, regulated, or restricted under the terms of this resolution. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. Nevertheless, while it is the intent of this resolution that such nonconformities be allowed to continue until removed, they should not be encouraged to survive, unless otherwise allowed in this article or specifically addressed in this resolution.

11.2 General Provisions

(A) The lawful use of any use, building, structure, or of any land or premises as existing and lawful at the time of enactment of this resolution may be continued although such use, building, structure, or of any land does not conform to the provisions of this resolution.

(B) Passage of this resolution in no way legalizes any illegal uses existing at the time of its adoption.

(C) An applicant for any development review that includes a nonconformity shall bear the burden of proof in demonstrating that the use was a legal nonconformity on the effective date of this resolution.

(D) Repair and Maintenance

(1) On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased unless in accordance with this article.

(2) Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

11.3 Determination of Nonconformity Status

(A) At the time of application for a zoning certificate or request for a variance regarding a nonconforming lot, building, structure, or use, the property owner shall submit sufficient evidence for the Zoning Inspector or BZA, as applicable, to determine that such lot, building, structure, or use was lawfully created or established in accordance with the zoning regulations in existence at that time.

(B) If the evidence submitted indicates the lot, building, structure or use was legally established and has since become nonconforming because of the establishment of or amendment to this resolution, the Zoning Inspector shall issue a zoning certificate identifying it as a legal nonconformity. A copy of such permit shall be kept on file in the township zoning office.

11.4 Nonconforming Uses and Variances

(A) Whenever a nonconforming use has been changed to a conforming use, such use shall no longer be defined as a nonconforming use nor shall the property be returned to the former nonconforming use.

(B) The granting of a variance for a use that otherwise complies with this resolution, shall not create a nonconformity when the variance is granted.

(C) When a property owner or authorized agent is granted a variance for a nonconformity that addresses the nonconformity, the use, structure, or lot, shall no longer be considered nonconforming.

(D) If a property owner or authorized agent is granted a variance for a nonconformity that addresses some nonconformities but additional nonconformities continue, the use, structure, or lot shall still be subject to the provisions of this article

11.5 Nonconforming Uses

Where, at the time of adoption of this resolution, lawful uses of land or structures exist that would not be permitted by the regulations of this resolution, the uses may be continued, changed, or expanded so long as they remain otherwise lawful and provided:

(A) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this zoning resolution unless it complies with the provision of Section 11.5(E): Expansion of a Nonconforming Use.

(B) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment if this zoning resolution.

(C) No additional structures shall be constructed on a lot with a nonconforming use unless such new structure complies with the requirements of this resolution and the applicable zoning district.

(D) Change or Substitution of Nonconforming Use

(1) A nonconforming use of a building, structure, or land shall not be changed or substituted to another nonconforming use unless the BZA, as part of a variance application, finds that the use proposed is equally appropriate or more appropriate to the district than the existing nonconforming use, and that the use proposed is in less conflict with the character of uses permitted in the applicable zoning district than the existing nonconforming use. In permitting such change or substitution, the BZA may require appropriate conditions and safeguards in accordance with other provisions of this resolution.

(2) Whenever a nonconforming use is changed to a less intensive use, such use shall not thereafter be changed to a more intensive nonconforming use.

(E) Expansion of a Nonconforming Use

(1) Notwithstanding the foregoing provisions to the contrary, the usable area of a nonconforming residential use may be increased or improved, regardless of the applicable zoning district.

(2) Notwithstanding the foregoing provisions to the contrary, the usable area of a nonconforming, nonresidential use may be increased or improved, regardless of the applicable zoning district, where the owner of such use can demonstrate through application to the BZA that the manner in which the useable area of the nonconforming use will be increased or improved will have minimal adverse impact upon adjacent properties and other permitted land uses in the surrounding neighborhood or can be made compatible with the adjacent properties and the uses in the surrounding neighborhood upon compliance with specified conditions.

(3) Variances to expand a nonconforming uses into a required setback or to otherwise vary a regulation that applies to the subject site shall be prohibited.

(4) The BZA shall review a request to expand a nonconforming use pursuant to the variance procedure in Section 3.6: Variance or Conditional Use, and shall be subject to the review criteria of this section.

(F) Existing Use Reclassified as a Conditional Use

In the event an existing use that was permitted by right at the time the use was established is thereafter reclassified as a conditional use for applicable district due to a zoning text amendment, such use shall be considered to be an approved conditional use without any further action. However, any subsequent change to such use shall require review and approval by the BZA in accordance with this article.

(G) Termination of Nonconforming Uses

(1) Termination of Use through Discontinuance

When any nonconforming use is voluntarily discontinued or abandoned for two years or more, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

(2) Termination of Use by Damage or Destruction

(a) If a nonconforming residential use is damaged or destroyed to any extent, such structure and use may be reestablished, restored, or reconstructed on the same lot. Such reestablishment, restoration, or reconstruction of the use shall require the issuance of a zoning certificate.

(b) If a nonconforming, nonresidential use is damaged, but not to an extent greater than 50% of the principal structure's value, such structure and use may be reestablished, restored, or reconstructed on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage or destruction. Such reestablishment, restoration, or reconstruction of the use shall require the issuance of a zoning certificate.

(c) If a nonconforming, nonresidential use is damaged beyond 50% of the principal structure's value, such structure and use may only be reestablished, restored, or reconstruction with approval by the BZA after consideration of surrounding uses and the impact of the nonconforming use.

11.6 Nonconforming Structures and Sites

A nonconforming building or structure may continue to be used or occupied by a use permitted applicable zoning district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

(A) Any nonconforming structure or site may be enlarged, maintained, repaired, or altered provided, however, no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site, unless otherwise specified in this resolution.

(B) A nonconforming structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being relocated.

(C) The principal use of a nonconforming building may be changed to any other use permitted in the applicable zoning district as long as the new use complies with all regulations of this resolution specified for such use, except the regulations to which the building did not conform prior to the change in use.

(D) The governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.

(E) Damage or Destruction of a Nonconforming Structure Containing a Conforming Use

(1) If a nonconforming structure is damaged and/or completely destroyed, the owner may rebuild the structure to the same height, and setbacks as the original nonconforming structure as it existed prior to the damage or destruction. Such work shall require the owner to submit an application for, and receive an approved, zoning certificate.

(2) If an owner rebuilds a legally nonconforming structure, they may expand the structure provided any expansion or change does not increase the nonconformity that existed prior to the damage.

(3) If the owner voluntarily removes the structure or reduces the nonconformity, that owner shall not be permitted to rebuild the structure to the original height, size, or setback and shall be required to bring the structure into compliance with these regulations to the maximum extent feasible.

11.7 NONCONFORMING LOTS OF RECORD

A nonconforming lot of record may be used in accordance with this section.

(A) Nonconforming Lots of Record in Residential Districts

(1) If an existing lot of record in residential district is occupied by a dwelling, such dwelling shall be maintained and may be repaired, modernized or altered, provided that:

(a) The building shall not be enlarged in floor area unless the enlarged section(s) complies with all regulations of this resolution, with the exception of the lot area and the lot width regulations.

(b) The number of dwelling units shall not be increased unless in conformance with this resolution.

(c) Dwelling units may be expanded without requiring any additional garage space or parking space provided the addition does not occupy space that could be used for parking or a garage in compliance with these regulations.

(2) In any residential district, a single-family dwelling and its customary accessory uses may be erected on a vacant single lot of record after the effective date of this resolution provided the buildings comply with the following:

(a) The width of the side yard of any such lot need not exceed 10 percent of the width of the lot, provided, however, that there shall be a minimum side yard setback of five feet.

(b) The rear yard setback of any such lot need not exceed 20 percent of the depth of the lot, provided, however, that the minimum rear yard setback shall be 10 feet.

(B) Nonconforming Lots of Record in Nonresidential Districts

In any nonresidential district, a use that is permitted in the applicable district, and its customary accessory uses, may be erected on a vacant single vacant lot of record provided the buildings comply with the following:

(1) The width of the side yard of any such lot need not exceed 10 percent of the width of the lot, provided, however, that there shall be a minimum side yard setback of five feet.

(2) The rear yard setback of any such lot need not exceed 20 percent of the depth of the lot, provided, however, that the minimum rear yard setback shall be 10 feet.

(3) In no case shall a nonresidential use on a nonconforming lot of record be exempt from the provisions of Article 8: Landscaping Standards.

11.8 Nonconforming Signs

See Section 10.11: Nonconforming Signs, for the regulation of nonconforming signs.

Article 12: Enforcement and Penalties

12.1 Enforcing Officer

The Zoning Inspector, or their designee, shall be the enforcing officer of this resolution. The enforcing officer is hereby authorized to enforce, issue orders to prevent and stop violations, and administer the provisions of this resolution. The Zoning Inspector may be assisted by other personnel as the Board of Trustees deems necessary.

12.2 Violations

(A) Any of the following shall be a violation of this resolution and shall be subject to the enforcement remedies and penalties provided by this article and by the ORC:

- **(1)** To engage in any construction, use of land or building, expansion, change of occupancy, or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of Howard Township without all of the required certificates or reviews, or other forms of authorization as may be set forth in this resolution;
- **(2)** To engage in any construction, use of land or building, expansion, change of occupancy, or other activity of any nature in any way inconsistent with any approved certificate or approval granted by the township in accordance with this resolution;
- **(3)** To violate, by act or omission, any term, condition or qualification placed by the township upon a required certificate or approval granted by the township;
- **(4)** To violate any other term, condition, standard, or requirement of this resolution; or
- **(5)** To continue any of the above-stated violations.

(B) Each day a violation continues shall be considered a separate offense.

(C) In all cases, the Board of Trustees, the Knox County Prosecutor's Office, the Zoning Inspector, or any adjacent or neighboring property owners who would be especially damaged by such violations, in addition to other remedies provided by law, may, at their own expense, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such violation.

12.3 Inspections

The Zoning Inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this Resolution. The Zoning Inspector will prepare a written report and case file on any matter that might warrant suit or prosecution for a violation of this resolution.

12.4 Remedies

Pursuant to Section 519.24 of the ORC, in case any building or land is used, altered, constructed, enlarged or any other action proposed in violation of the provisions of this resolution or any amendment or supplement thereto, the Board of Trustees, the Knox County Prosecutor's Office, the Zoning Inspector, or any person or any property owner damaged by or subject to damage by such violation, in addition to remedies provided by law, is hereby empowered or authorized to institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, enlargement, change maintenance or use.

12.5 PENALTIES

Any person or entity convicted of violating any regulation, provision, amendment or supplement to this resolution shall be fined not more than $500.00 per offense. Each and every day during which such violation continues may be deemed a separate offense.

12.6 OTHER ACTIONS

Nothing herein contained shall prevent the township from taking such other lawful action as is necessary to prevent or remedy a violation of any regulation, provision, amendment, or supplement to this resolution.

Article 13: Definitions

13.1 Purpose

It is the purpose of this article to define words, terms, and phrases, or identify references, contained in this resolution.

13.2 General Rules for Interpretation

The following rules shall apply for construing or interpreting the terms and provisions of this resolution.

(A) Meanings and Intent

All provisions, terms, phrases, and expressions contained in this resolution shall be interpreted in accordance with the general purposes set forth in Section 1.1: Purpose, and the specific purpose statements set forth throughout this resolution. When a specific section of this resolution gives a different meaning than the general definition provided in this article, the specific section's meaning and application of the term shall control.

(B) Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this resolution and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

(C) Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

(D) References to Other Regulations or Publications

Whenever reference is made to a resolution, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such resolution, statute, regulation, or document, unless otherwise specifically stated.

(E) Delegation of Authority

Any act authorized by this resolution to be carried out by a specific official of the township may be carried out by a designee of such official.

(F) Technical and Non-technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(G) Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Howard Township, Knox County, Ohio, unless otherwise indicated.

(H) Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

(I) Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

(1) "And" indicates that all connected items, conditions, provisions or events apply; and

(2) "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

(J) Tenses and Plurals

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

(K) Terms Not Defined

If a term used in this resolution is not defined in this article, the Zoning Inspector shall have the authority to provide a definition based upon the definitions used in accepted sources, including but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association. The Zoning Inspector may also rely on Webster's Dictionary or a similar source for the definition of terms.

13.3 DEFINITIONS AND REFERENCES

Abutting or Adjacent
The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

Accessibility Ramps
Permanent or portable amps utilized to provide a disable person with accessibility to a structure.

Accessory Dwelling Unit
Detached living quarters located on a lot with an existing principal dwelling where the accessory dwelling unit is designed for the use of persons employed on the premises or for the temporary use of guests of the occupants of the principal dwelling. Such guesthouse or accessory dwellings are not rented, leased, or otherwise transferred to an individual or organization as a separate dwelling.

Active Parks and Recreation
Any park or recreational facility owned by Howard Township, Knox County, State of Ohio, or a non-profit organization, that requires grading of the land, construction of facilities, lighting, or is developed for athletic fields, tennis courts, swimming pools, skate parks, disc golf, and other similar outdoor facilities.

Agricultural Uses and Agriculture
Agricultural uses and agriculture shall be as defined in the ORC Section 519.01.

Agritourism
An agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.

Air-Activated Graphics
A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

Alteration
Any change, addition, or modification in construction, type of occupancy, increase in floor space, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Amateur Radio Antennas
Any transmitter, antenna, tower, or other apparatus designed for communications through amateur radio, also referred to as ham radio.

Antenna
Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Appeal
An appeal of an administrative decision made by the Zoning Inspector, considered by the BZA, in accordance with Section 3.7: Appeals.

Applicant
A person who is authorized by the provisions of this resolution to file an application.

Application
The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate township department, board, or commission for an application.

Authorized Agent
A person with express written consent to act upon another person's behalf.

Automated Teller Machine (ATM)
An automated device that provides bank and financial institutional customers with cash withdrawal and other financial services without the need for a bank teller.

Automotive Service and Repair
Any structure or premises used for dispensing or sale of automotive vehicle fuels or lubricants, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting. Such uses shall also include establishments that sell parts or tires for vehicles as a retail establishment, regardless if the parts are installed on-site. Such use shall also include the general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of parts to motor vehicles.

Awning
A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. See also definition of "canopy" and "arcade."

Figure 13.3-A: Examples of traditional awnings

Banks and Financial Institutions
Establishments engaged in deposit banking. Banks or financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses.

Basement
That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

Bed and Breakfast Establishment
Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner's personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

Berm
In the context of landscaping, bufferyard, or screening requirements, shall mean a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible uses. See also the definition of "mound."

Block Face
All lots that have frontage on the same street as the subject lot between an intersecting street or other boundary.

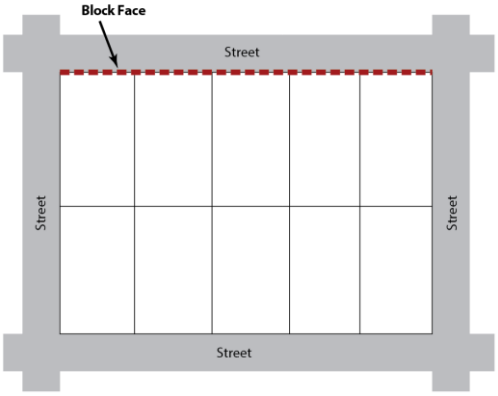

Figure 13.3-B: Illustration of block face

Board of Trustees
The Howard Township, Knox County, Ohio, Board of Township Trustees

Board of Zoning Appeals (BZA)
The Howard Township, Knox County, Ohio, Board of Zoning Appeals

Buffer or Bufferyard
An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening, and softening the effects of the land use, no part of which buffer is used for active recreation or parking, or interior access drives. A buffer may include a wall, fence, or berm as provided in accordance with the provisions of Article 8: Landscaping Standards.

Building
Any structure, either temporary or permanent, that has a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, or property of any kind.

Building Height
The vertical distance of a building as measured pursuant to Section 4.9(A)(4).

Building Line (Front Facade)
A line that runs parallel and adjacent to the primary front building facade. See definition of "facade, primary."

Building, Accessory
A building on the same lot with, and of a nature customarily incidental and subordinate to the principal building.

Building, Nonconforming
A building that lawfully occupied a lot at the effective date of this resolution, or amendments thereto, and that does not currently conform to the regulations of the applicable zoning district.

Building, Principal
The building containing the main or principal uses on the lot.

Canopy
A permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building facade (e.g., structural legs, building extensions, etc.). See also definition of “awning.”

Figure 13.3-C: Example of a canopy and related sign

Cemeteries
A place for 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.

Churches and Places of Worship
A building used principally for religious worship. The word “churches and places of worship” or “church” shall not include or mean an undertaker’s chapel or a funeral home. Such places shall exist as public buildings, and as such, shall meet state and local building codes.

Collocation
Locating wireless telecommunication antenna(s) and associated equipment from more than one provider on a single wireless telecommunication-communication tower.

Commercial Entertainment or Recreation (Indoors)
Land or facilities operated as a business and which are open to the general public for a fee that shall include, but is not limited to: roller blade rental, billiard parlors, ice skating rinks, indoor swimming pools, indoor soccer arenas, bingo parlors, and other similar businesses.

Commercial Entertainment or Recreation (Outdoors)
Land or facilities operated as a business and which are open to the general public for a fee that shall include, but is not limited to: pay-to-play athletic fields, golf courses, campgrounds, outdoor swimming pools, amusement parks, racetracks (animal racing only) and other similar businesses. Commercial recreation facilities shall not include “active parks and recreation” uses that are owned either publicly or by a non-profit organization, and opened to the general public.

Commercial Message or Speech
Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Common Areas
Parcels of land, together with the improvements thereon, the use and enjoyment of which shall be shared by the owners and occupants of the individual building sites within a development.

Community Centers
A building used for the meeting, recreation, or social activity designed to accommodate and serve the residents of a subdivision or development to which the use is associated with and that may be privately owned or jointly owned by property owners.

Community Garden
A single piece of land that is gardened collectively, as an accessory use, by a group of persons, which may include individual garden plots designated for individual gardens.

Construction Dumpsters
Temporary facilities used for the collection of trash and solid waste on a construction site.

County
Knox County, Ohio and any of its designated agents.

Cul-De-Sac
A street having only one outlet for vehicular traffic (to another street) and where the other terminus is either a turnaround or is a dead-end or stub street to an adjacent, undeveloped property.

Cultural Institutions
Public or private facilities used for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites but does not include movie theaters.

Day Care Centers (Adult or Child)
A facility operated for the purpose of providing care, protection, and guidance to individuals during part of a 24-hour day. This term includes nursery schools, preschools, adult day care centers, child day care centers, and similar uses. Day care center does not include public or private educational facilities or any facility offering care to individuals for a full 24-hour period. See also definition for “Type-B Family Day Care Home”

DBH
See “diameter-at-breast height”

Decks
A flat surface, that is not paved, which is capable of supporting weight similar to a floor, constructed outdoors and elevated from the ground that is either freestanding or attached to a building. Decks may also include stairways. Decks are unenclosed by solid or nonsolid walls or a roof. If a pergola or other roof structure is attached to the principal building and extends over the deck, then then the deck and roofing shall be considered a porch.

Figure 13.3-D: Example of a deck.

Density
The quotient of the total number of dwelling units as divided by total area of the site. Unless otherwise specified in this resolution, density shall mean gross density as defined in “density, gross.”

Density, Gross
Unless otherwise defined, gross density shall be the total number of dwelling units divided by the gross area of a site (including streets, easements, rights-of-way, open space set-asides, and/or other public dedications established as part of the development.).

Detached Accessory Buildings or Structures
Accessory buildings or structures that are detached from the principal building or structure including, but not limited to, garages, gazebos, permanent outdoor kitchens (if they require a water, sewer, or building permit), storage sheds, and other structures.

Development
Any manmade change to improved or unimproved land, including but not limited to the construction of buildings or other structures, mining, dredging, filing, grading, paving, excavation, or drilling.

Diameter-at-Breast Height (DBH)
DBH is used to measure the caliper of a tree trunk at the specific height of 4.5 feet above the ground.

District
See definition of “zoning district.”

Drive-Through Facilities
An establishment that encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles.

Driveway
A private way, other than a street or alley, that provides access to one lot of record for the use of vehicles and pedestrians unless approval has been granted for a shared driveway in which case, the driveway may serve multiple uses.

Dwelling
A building or portion thereof used exclusively for permanent residential purposes, including single-family, two-family, and other attached dwellings, but not including hotels, motels, tents, recreational vehicle, cabins, or boarding or lodging houses.

Dwelling Unit
A single unit of one or more rooms providing complete, permanent independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation but not including a tent, cabin, hotel, motel recreational vehicle, or other temporary or transient structure or facility. A dwelling unit shall not include a mobile home or recreational vehicle, camping equipment, or a manufactured home except for permanently sited manufactured housing that conform to the requirements for such uses.

Dwelling, Multi-Family
A building or portion thereof design for or used exclusively for residential purposes by three families or housekeeping units.

Dwelling, Single-Family
A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

Dwellings, Two-Family
A building or portion thereof design for or used exclusively for residential purposes by two families or housekeeping units.

Easement
Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his or her property.

Educational Facilities (Primary and Secondary)
A public or private facility that provides a curriculum of primary, elementary, secondary or college preparatory academic instruction, including, but not limited to, kindergartens, elementary schools, junior high schools, and high schools. This definition shall not be deemed to include colleges, trade or business schools, or other post-secondary education facilities. See also “educational facilities, higher.”

Educational Facilities, Higher
Any private or public secondary educational institution that includes, but is not limited to: colleges and universities, trade schools, business schools, seminaries, or any other institution providing collegiate level curriculum.

Electronic Message Center
A sign designed so that the characters, letter or illustrations can be changed or rearranged automatically on a lampbank or through mechanical means (e.g., electronic or digital signs).

Essential Services
The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement by public utilities, county, or other governmental agencies of streets, roads, underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories and the use of land in connection therewith, for the furnishing of adequate service by such utilities or governmental departments for the public health, safety and general welfare.

Expansion
An increase in the size of an existing structure or use, including physical size of the land, building, parking, or other improvements or structures.

Eyebrow (Street or Road)
An eyebrow is a rounded expansion of a street beyond the normal curb line.

Facade
The exterior wall on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

Facade, Front
The facade of a building that contains the primary entrance of the building.

Farm Market
The use of any land or a structure for the sale of produce in accordance with the provisions of 6.1: Accessory Use Regulations.

Fence
An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

Flag
Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

Footcandle
A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Footprint
The area of a building measured from the exterior surface of the exterior walls at grade level.

Frontage, Building
The length of the facade of an enclosed building facing a public or private street. See Figure 13.3-E.

Frontage, Street
The distance for which the front boundary line of the lot and the street line are coincident.

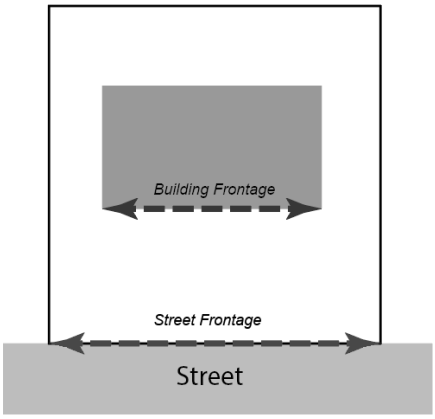

Figure 13.3-E: An illustration of street frontage versus building frontage

Fuel Stations
An establishment that sells unleaded and diesel gasoline or any other fuel used for in vehicles.

Funeral Homes or Mortuaries
A building or part thereof used for human funeral services. It may include space for the embalming and other services used in the preparation of the dead for burial, the storage of caskets, funeral urns, and other related uses and supplies; the storage of funeral vehicles; facilities for cremation; and chapels.

Garage
An accessory building primarily intended for and used for the enclosed storage or shelter of private motor vehicles of the owner or occupant of the principal building.

General Offices (Administrative, Professional, Business)
Establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, employment, advertising, design, engineering, accounting, and similar uses.

Glare
Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

Government Offices and Buildings
Buildings or office space utilized for the provision of services by Howard Township, an Ohio municipality, Knox County, the State of Ohio, or the Federal Government.

Grade
The average level of the finished surface of the ground adjacent to the sign, building, or other structure being measured.

Grass
A species of perennial grass grown as permanent lawns or for landscape purposes, as distinguished from those species grown for agricultural or commercial seed purposes.

Ground Cover
A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

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

Home Occupations
An occupation or profession which is incidental to and carried on entirely within a dwelling unit excluding an attached garage or patio area, by resident occupants of the dwelling unit and which occupation is clearly incidental to and accessory to the residential use of the property.

Hospitals
A facility providing physical or mental health services, outpatient care, inpatient accommodations, and medical or surgical care of the sick or injured.

Hotel and Motels
A building in which lodging, with or without meals, is offered for compensation and in which there are more than five sleeping rooms. Hotels and motels may include typical accessory uses within the principal building including, but not limited to, swimming pools, bars, and restaurants.

Housekeeping Unit
One or more related or non-related persons lawfully occupying a dwelling unit and living together as a single group on a permanent basis, and doing their own cooking and sleeping on the premises as distinguished from a group temporarily occupying a bed and breakfast establishment, hotel, motel, or group home.

Impervious Surface
Any surface which prevents the absorption of regulated substances into surrounding soils or other pervious surface areas, and which will not react with the regulated substance being stored in such a way that the surface will deteriorate and no longer be impervious.

Kennels, Animal Training, and Animal Day Cares
Any lot or premises, on which four or more dogs, cats or other household animals (not owned by the owner or operator of the establishment) are bred, boarded, cared for, or trained for commercial purposes.

Landscape Material
Landscaping consists of:

- Material such as, but not limited to, living trees, shrubs, vines, lawn grass, ground cover, and landscape water features; and
- Non-living durable material commonly used in landscaping including, but not limited to, rocks, pebbles, sand, decorative walls and fences, brick pavers and earthen mounds, but excluding pavements for vehicular use.

Landscaping
The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.

Light Industrial Uses
The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties.

Light Trespass
Light emitted by a lighting fixture that falls beyond the boundaries of the property on which the fixture is installed.

Light, Cutoff
An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 7.1: Exterior Lighting.

Light, Non-Cutoff
An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 7.1: Exterior Lighting

Loading Space
An off-street space on the same lot with a building, or a group of such buildings and accessory buildings, or utilized for the principal use and accessory use.

Lot
A parcel of land that is part of a plat, legally recorded in the Recorder's Office of Knox County, Ohio, occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in this resolution.

Lot Area
The total area within the lot lines of a lot as measured in accordance with Section 4.9(A): Measurements, Computations, and Exceptions.

Lot Coverage
That portion of a lot that is covered by the principal and accessory building, structures, and surfaces that prevent the passage or absorption of stormwater including paving and driveways (impervious surfaces).

Lot Line, Front
The front lot line, which is coterminous with the street right-of-way. A front lot line is generally parallel to or less than 45 degrees to the rear lot line. The front lot line is generally opposite the rear lot line except as may be identified in Section 4.9(A): Measurements, Computations, and Exceptions.

Lot Line, Rear
A lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. See Section 4.9(A): Measurements, Computations, and Exceptions.

Lot Line, Side
A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See Section 4.9(A): Measurements, Computations, and Exceptions.

Lot Lines
The property lines bounding the lot.

Lot, Corner
A lot abutting upon two or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than 135 degrees. See Section 4.9(A): Measurements, Computations, and Exceptions.

Lot, Cul-De-Sac or Curved Street
A lot with frontage along a curved street or cul-de-sac. See Section 4.9(A): Measurements, Computations, and Exceptions.

Lot, Flag or Panhandle
A lot that has limited frontage on a public street and where access to the public street is through a narrow strip of land that is commonly referred to as a panhandle. See Section 4.9(A): Measurements, Computations, and Exceptions.

Lot, Interior
A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See Section 4.9(A): Measurements, Computations, and Exceptions.

Lot, Nonconforming
A vacant lot that does not meet the minimum lot width, street frontage, and/or lot area requirements of the applicable zoning district.

Lot, Through
A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Section 4.9(A): Measurements, Computations, and Exceptions.

Maximum Extent Feasible
That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

Medical and Dental Offices or Clinics
Office or clinic uses concerned with the diagnosis, treatment, and care of human beings. This definition does not include hospitals, skilled nursing facilities, or personal care facilities

Medical Marijuana
Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

Medical Marijuana Dispensary
A use owned and operated by a person holding a dispensary license as allowed and issued by the State of Ohio for the purposes of dispensing medical marijuana to clients with a medical marijuana prescription. This use is specifically prohibited in the township.

Microbrewery, Microdistillery, or Microwinery
An establishment with a primarily use as a bar or tavern where beer, liquor, wine, or other alcoholic beverage is manufactured on the premises in a limited quantity subordinate to the primary table service restaurant use. The gross floor area utilized in a microbrewery, microdistillery or microwinery for the production of beer, liquor, wine, or other alcoholic beverage shall be no greater than the gross floor area utilized for the associated bar or tavern. A microbrewery, microdistillery or microwinery may include some off-site distribution of its alcoholic beverages consistent with state law. A tasting room or taproom may exist in a microbrewery, microdistillery or microwinery where patrons may sample the manufacturer's products.

Mining and Extraction
A lot that is used for the extraction, removal, or basic processing of minerals, soil, or other natural resources from the earth. Such uses also include quarrying, mining, or other procedures typically done at an extraction site.

Mixed Use Buildings
A building that contains a commercial or office use and an attached residential use within a single building as provided for in this resolution.

Monopole
A single, slender and typically cylindrical, vertical structure to which antennas or antenna support structures are affixed.

Multi-Tenant Developments
A principal building with multiple uses of a similar use classification (e.g., commercial, industrial, etc.) but that has multiple tenant spaces and/or multiple use types. A strip mall or strip center with a mixture of retail uses such as restaurants, retail stores, and personal service establishments is an example of a multi-tenant building. Such use does not include any use within the residential use classification.

Noncommercial Message or Speech
Any sign, wording, logo or other representation that is not classified or defined as "commercial message or speech."

Nonconformity
A use, lot, structure, building, sign, or lighting that does not comply with the provisions of this zoning resolution. See also the definitions for "use, nonconforming," "lot of record," "building, nonconforming," and "structure, nonconforming."

Nurseries or Greenhouses
An establishment used for the growing, storage, and sale of legal garden plants, shrubs, trees, or vines for retail or wholesale sales.

Nursery Schools or Day Care Centers (Children or Adults)
As an accessory use, this term shall mean a facility operated for the purpose of providing care, protection, and guidance to individuals during part of a 24-hour day as an accessory to a public and institutional use. This term includes nursery schools, preschools, adult day care centers, child day care centers, and similar uses. Such use shall not include “Type-B Family Day Care Home.”

OAC
The Ohio Administrative Code, as amended

ORC
The Ohio Revised Code, as amended

Outdoor Dining
Areas on sidewalks (public or private), patios, or other unenclosed areas, excluding vehicular use areas, which are designated for outdoor seating where patrons may be served food and beverage for on-site dining.

Outdoor Displays or Sales
The placement of products or materials for sale outside of a retail or wholesale sales establishment.

Outdoor Lighting
Any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility. See Section 7.1: Exterior Lighting.

Outdoor Storage and Bulk Sales
The keeping, storage, or sales of any goods, material, merchandise, or vehicles in the same place for more than 24 hours in an area that is not fully enclosed by a structure. This may include areas established for the sale of large and/or bulk items.

Outdoor Vending Machines and Drop-Off Boxes
Vending machines are small machines that are capable of accepting money in return for the automatic dispensing of goods (e.g., drink machines, snack machines, video machines). For the purposes of this coded, outdoor vending machines also include cooler cabinets or other cabinets or structures that contain goods for retail sales including, but not limited to, ice freezers, propane tank exchanges, etc. Drop-off boxes are small collection facilities where recyclable materials, clothing, or household goods are accepted from the public (e.g., neighborhood recycling stations and thrift store collection boxes).

Owner
A person recorded as such on official real estate records and including duly authorized agent, purchaser, devisee, and person having a vested or contingent interest in the property in question.

Parcel
A distinct portion or tract of land as is recorded and distinguished in the Knox County Auditor's Property Tax Atlas. See also definition of “lot.”

Parking Aisle
The driveway or access drive by which a car enters and departs a parking space.

Parking Lot
A surface level facility providing vehicular parking spaces along with adequate drives and aisle, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles.

Parking Space
A designated parking area designed for one vehicle that is exclusive of drives, aisles or entrances giving access thereto.

Passive Parks, Recreation, and Open Space
Any park or recreational facility where there is no grading of the land, the construction of facilities, lighting, or development of ball fields with the exception that passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks.

Patio
An unenclosed outdoor hard-surfaced area that is no higher than 18 inches above the ground. If a pergola or other roof structure is attached to the principal building and extends over the patio, then then the patio and roofing shall be considered a porch.

Figure 13.3-F: Example of a patio.

Permanently Sited Manufactured Housing
A building unit or assembly of closed construction as defined in the ORC.

Person
Any individual, corporation, government agency, government official, business trust, partnership, association, two or more persons having a joint interest, or any other legal entity.

Personal Care
In addition to room and board, personal services such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.

Personal Care Facility
A long-term or short-term residential facility that provides personal care. Such facility shall not mean the same as “institutions for human medical care,” “adult family homes or small residential facilities,” or “adult homes or large residential facilities.”

Personal Service Establishments
Establishments that are primarily engaged in providing services generally involving the care of the person or person’s possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

Planning Commission
The Knox County, Ohio, Planning Commission

Playsets, Treehouses, and Trampolines
Recreational equipment for children that may include, but is not limited to, swings, slides, monkey bars, and play enclosures.

Porch
An unenclosed area with a roof that is attached to a building but not used for livable space. A porch also includes paved areas without a roof if the surface area is higher than 18 inches above the adjacent grade (e.g., stoops).

Figure 13.3-G: Examples of a front porch (left) and back porch (right).

Portable Storage Units
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 the construction, renovation, or rehabilitation of the building on which the site is located.

Public Hearing
A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed resolutions, amendments or other official township business which require public participation and input.

Quasi-Public, Fraternal, or Service Facilities
A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit which is customarily carried on as a business.

Quorum
The minimum number of members that must be present in order to conduct official business or take official action.

Real Estate Sales/Model Homes
A dwelling unit temporarily converted into a sales and display office or a temporary sales office established in a development or subdivision for the purpose of providing an example of the units in the development.

Recreational Vehicle
Recreational vehicles shall include any vehicle defined as such in Section 4501.01 of the ORC as well as creational trailers and watercraft, as further defined below:

- Recreational trailers are any form of device, equipment, or machinery on wheels, or a single wheel, that is intended to be pulled by a motor vehicle, whether or not attached to a motor vehicle. This shall include every vehicle designed and utilized for the sole purpose of transporting any boat, auto, snowmobile, recreational habitation, and the like, which does not have motive power, but is designed to be drawn by another vehicle.
- Watercraft shall include, but is not limited to, any of the following when used or capable of being used for transportation on the water: A boat operated by machinery either permanently or temporarily affixed; a sailboat other than a sailboard; an inflatable, manually propelled boat having a hull identification number meeting the requirements of the United States Coast Guard; or a canoe or row boat.

For the purposes of this definition, when any recreational vehicle is transported for use on a trailer, the trailer shall be considered an integral part of the recreational vehicle.

Residential Facilities
Any residential facility meant as a permanent residence for persons, licensed by the State of Ohio, designed to allow not more than 16 persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate living activity in a non-institutional environment as regulated by Chapters 5119 and 5123 of the Ohio Revised Code.

Restaurants and Taverns
A tavern is an establishment providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.

A restaurant is an establishment with table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers, provided that no drive-through window is permitted. For the purposes of this definition, a restaurant shall not include any drive-in or carry-out services unless a drive-through facility is permitted as an accessory use.

Retail and Service Commercial Uses
Establishments primarily engaged in the sale of goods, materials, and general services to the public. Examples of this use type may include, but are not limited to, bookstores, antique stores, bakeries, grocery stores, and other similar uses.

Right-of-Way
An area or strip of land, either public or private, on which an irrevocable right- of-passage has been recorded for the use of vehicles or pedestrians or both.

Roof Line
The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Satellite Dishes
A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

Screen or Screening
A visual shield between uses accomplished by the use of berms, landscaping, walls or other aesthetic means.

Seasonal Agricultural Sales
A temporary structure or vehicle used in the sale of agricultural products such as fruits, vegetables, and juices where such facilities may sell agricultural products not grown on site. Seasonal sales, including the sale of such items as trees, pumpkins, seasonal produce, and similar agricultural products, which may be permitted on a temporary basis pursuant to Section 6.2: Temporary Uses and Structures.

Seasonal Cover
A temporary shelter for items including, but not limited to, firewood, equipment, motor vehicles, recreational vehicles, and similar items, where such items are stored or parked for a temporary period of time or season.

Self-Storage Facilities
A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, or controlled-access stalls or lockers for the dead storage of a customer's goods or wares.

Setback
The minimum distance a building or structure must be built from a lot line or road right-of-way as defined further in Section 4.9(A): Measurements, Computations, and Exceptions.

Setback Line
The line created when applying the required setback distance to a lot.

Setback, Front
The minimum distance required between a building, structure, or improvement and the front lot line.

Setback, Rear
The minimum distance required between a building, structure, or improvement and the rear lot line.

Setback, Side
The minimum distance required between a building, structure, or improvement and a lot that is shared with another lot where such lot line is defined as a side lot line.

Short-Term Rental
The leasing of any residential property, either the entire dwelling unit or individual rooms, for a period of time less than 30 consecutive days to one additional family or housekeeping unit. This use includes, but is not limited to homes or rooms being rented through services such as AirBnB, VRBO, HomeAway, etc.

Shrub
A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

Sidewalk
A pedestrian walkway within a right-of-way of a public street but not on the street surface.

Sign
Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

Sign Area
The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Section 10.5(C).

Sign Face
The area or display surface used for the message.

Sign Height
The vertical distance to top of sign structure as measured pursuant to Section 10.5(B).

Sign, Abandoned
An abandoned sign is a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.

Sign, A-Frame
A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs.

Sign, Animated or Moving
Any sign or part of a sign which changes physical position by any movement or rotation or which gives visual impression of such movement or rotation. This definition does not include signs classified as "electronic message centers."

Sign, Balloon
A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for air-activated graphics.

Sign, Banner
A temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.

Sign, Blade
A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

Sign, Canopy
Any sign that is a part of or attached to a canopy or awning.

Sign, Changeable Copy
A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. May also be known as readerboards. See also the definition of "electronic message center."

Sign, Development/Subdivision
A sign identifying a recognized subdivision, condominium complex, or development.

Sign, Drive-Through
Any signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

Sign, Driveway
A small permanent sign located near driveway access points and/or at the intersection of internal access drives.

Sign, Flashing
Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or any externally mounted intermittent light source. This definition does not include signs classified as "electronic message centers."

Sign, Freestanding
Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building. See also the definition of "ground-mounted monument sign" and "pole sign."

Sign, Illegal
A sign which does not meet the requirements of this article and which has not received legal nonconforming status.

Sign, Illuminated
A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Sign, Manual Changeable Copy
A sign or portion of a sign where it is possible to change the copy on a frequent basis but where such sign change must be manually made and is not made electronically.

Sign, Monument
A permanent freestanding sign other than a pole sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure.

Sign, Nonconforming
Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

Sign, Permanent
A sign permitted by this resolution to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

Sign, Pole
A permanent freestanding sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.

Sign, Portable
Any sign that is designed to be or capable of being moved or transported, and not permanently affixed or attached to any building, structure, or grounds. A vehicle not used regularly in the operation of a business shall be considered a portable sign.

Sign, Projecting
A sign that is affixed perpendicular to a building or wall and extends more than eighteen inches beyond the face of such building or wall and the lowest point of which sign is not less than ten feet above the sidewalk or ground level. A projecting sign shall also include a sign hung perpendicular to the building facade to the bottom of an arcade.

Sign, Roof
A sign erected or maintained in whole or in part upon, against or directly above the roof or parapet line of a building.

Sign, Sidewalk
A temporary sign that may be placed on the sidewalk, in the public right-of-way, during business hours in accordance with this section and all other applicable ordinances.

Sign, Temporary
A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and intended for a limited period of display.

Sign, T-Frame
A freestanding sign which is ordinarily in the shape of an upside down “T” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A-frame signs.

Sign, Wall
A sign attached directly to an exterior wall of a building and which does not extend more than eighteen inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall. Murals and other painted signs are considered wall signs pursuant to this section.

Sign, Window
A sign attached to, in contact with, placed upon or painted on the window or door of a building which is intended for viewing from the outside of such building. This does not include merchandise located in a window.

Sign, Yard
Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

Skilled Nursing
In addition to room and board, those nursing services and procedures employed in caring for the persons who require training, judgment, technical knowledge, and/or skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

Skilled Nursing Facility
A residential facility that provides skilled nursing. Such facility shall not mean the same as “institutions for human medical care,” “adult family homes or small residential facilities,” or “adult homes or large residential facilities.”

Solar Panels
Structures designed to utilize solar energy as an alternate for, or supplement to, a conventional energy system.

Stacking Space or Lane
A lane or area that is specifically designated for cars to “stack” in while utilizing drive-up or drive-through services at uses that may include, but are not limited to, car washes, restaurants, and financial institutions.

State
The State of Ohio

Story
The portion of a building included between the surface of any floor and the surface of the next floor above it or if there is no floor above it than the space between the floor and the ceiling next above it.

Street
A publicly dedicated or owned right-of-way constructed to Knox County Engineer standards intended or used, for vehicular and pedestrian movement, and, except where limited or controlled access, affording the principal means of access to abutting properties.

Street Frontage
See definition of “frontage, street.”

Street, Local Residential
A street primarily for providing access to residential or other abutting property. For the purposes of this resolution, a local township street shall be those streets maintained by the township.

Structural Lawn
An area of land intended to be used for temporary or seasonal parking with structural plastic or concrete pavement materials under the surface, allowing for the growth of grass through the pavement material, having the appearance of a vegetated lawn.

Structure
Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. All buildings are considered structures.

Structure, Accessory
A structure (including buildings but not fences) that is accessory and incidental to the principal building.

Structure, Nonconforming
A structure where the use is permitted in the applicable zoning district but the structure does not meet the setbacks, development standards, site development standards, or other dimensional or numerical standards for the applicable district.

Swimming Pool
A structure, whether above or below grade level, designed to hold water more than 18 inches deep with a total surface area exceeding 100 square feet, that is designed to be used for personal recreation (private swimming pool) or as a recreational amenity to a larger development (community swimming pool).

Telecommunications
The technology permitting the passage of information from the sender to one or more receivers in a usable form by means of an electromagnetic system and includes the term “personal wireless services”.

Temporary Special Events
A temporary use on private property that is not usual or customary for that property and the zoning district in which the subject property is located (e.g., festivals, circuses, and other temporary events).

Temporary Tent
Any structure used for living or sleeping purposes, or for sheltering a public gathering constructed wholly or in part from canvas, tarpaulin, or other similar materials.

Theaters
A building or part thereof used for housing dramatic presentations, stage entertainments, motion-picture shows, or other similar entertainment.

Tower
Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including support lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Tree, Deciduous
Generally, a tree that loses all of its leaves for part of the year. Sometimes called a broad-leaf tree or a hardwood tree.

Tree, Evergreen
A tree with foliage that is not dropped, or that remains green throughout the year.

Tree, Ornamental
A small to medium tree with an expected height of 20 feet at maturity and that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

Tree, Understory
A tree that would occupy the understory of a forest in a natural ecological situation. These types of trees are often referred to as ornamental trees. Examples include redbud, hazel, alder, holly, hornbeam, dogwood, witch-hazel, etc.

Type-B Day Care Homes (1-6 Children)
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. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the Type-B day care home shall be counted. Type-B day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-B day cares homes do not include any child day camp as defined in the ORC.

Use
A purpose for which land, a building, lot, sign, or other structure is arranged, intended, designed, constructed, used, occupied, or maintained.

Use, Accessory
A use or building on the same lot with, and of a nature customarily incident and subordinate to, those of the main use or building.

Use, Conditional
A use permitted within a district only with a conditional use permit approval from the BZA. See 3.6: Variance or Conditional Use.

Use, Nonconforming
A use that lawfully occupied a building or land until the effective date of this resolution, or amendments thereto, and that does not conform to the use regulations of the applicable zoning district.

Use, Principal
The principal use to which the premises are devoted and the primary purpose for which the premises exist.

Use, Temporary
A use or building permitted to exist during periods of construction of the main building or use, or for special events, but not inhabitable.

Vehicle Sales and Leasing
A building, lot, or both used for the display, sale, or rental of new or used motor vehicles or farm implements that are in operable condition, and where repair service may be an incidental accessory use.

Vehicle Washing Establishments
The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Vehicular Use Area
Any paved ground surface area, except public rights-of-way, used by any type of vehicle, whether moving or at rest for the following purposes, but not limited to driving, parking, loading, unloading, storage or display.

Veterinarian Offices, Animal Hospitals, and Animal Grooming (No Boarding)
Facilities used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations in a wholly enclosed building on the premises only for treatment, observation and/or recuperation.

Wall
An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure

Wall, Retaining
A retaining wall is a structure that holds back soil or rock from a building, structure or area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes.

Warehouses
Structures used for the storage or distribution of goods where there is no sale of items to retailers or the general public unless permitted as an accessory use to the warehouse.

Wireless Telecommunication Antenna
An antenna designed to transmit or receive telecommunications as authorized by the Federal Communications Commission (“FCC”), excluding amateur radio operator antennas.

Wireless Telecommunication Facilities
A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines for the provision of personal wireless services.

Wireless Telecommunication Tower
A tower including but not limited to self-supporting lattice or monopole, which elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

Yard
An open space on the same lot with a building, unoccupied, and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard, Front
A yard extending aCross the full width of a lot and being the distance between the street right-of-way and the nearest wall of the principal building. See Section 4.9(A): Measurements, Computations, and Exceptions.

Yard, Rear
A yard extending aCross the full width of a lot between the side lot lines and being the distance between the rear lot line and the nearest wall of the principal building. See Section 4.9(A): Measurements, Computations, and Exceptions.

Yard, Side
A yard between the principal building and the side lot line, extending from the front yard to the rear yard. See Section 4.9(A): Measurements, Computations, and Exceptions.

Zoning Certificate
A permit where the Zoning Inspector has the authority to make a decision on the application in accordance with Section 3.4: Zoning Certificate.

Zoning District
A section or sections of the unincorporated territory of Howard Township for which regulations governing the use of buildings and premises, the height of buildings, development standards, yards, lot areas, and other standards are uniform. This may also be called a base zoning district.

Zoning District, Nonresidential
The term “nonresidential zoning district” shall include the B-1 and BMF zoning districts.

Zoning District, Residential
The term “residential zoning district” shall include the C-1, AG, and R-1 zoning districts.

Zoning Inspector
The Zoning Inspector, their assistants, or any other person designated by the Board of Trustees to perform the statutory duties of the Zoning Inspector.

Zoning Map
The “Official Zoning District of Howard Township, Knox County, Ohio”, as amended

Zoning Map Amendment
An amendment or change to the Official Zoning Map of Howard Township, reviewed and approved by the Board of Trustees in accordance with Section 3.5: Zoning Text or Map Amendment.

Zoning Text Amendment
An amendment or change to the text of the Howard Township Zoning Resolution reviewed and approved by the Board of Trustees in accordance with Section 3.5: Zoning Text or Map Amendment.