

XVI – ADMINISTRATION

A. Interpretation.

In interpreting and applying the provisions of this Resolution, they shall be held to the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity, and general welfare.

B. Enforcement.

The provisions of this Resolution shall be enforced by the Township Zoning Inspector, who shall be appointed by the Trustees.

It shall be the duty of the Township Zoning Inspector to keep a record of all applications for permits and a record of all permits issued, with notation of all special conditions involved. He shall file and safely keep copies of all plans submitted and the same shall form a part of the zoning permit and the records of his office and shall be available for the use of the Board of Township Trustees and other officials of Boardman Township.

C. Zoning Permits.

Zoning permits shall hereinafter be secured from the Township Zoning Inspector prior to construction, erection, or alteration of any building or part of building, costing or valued at \$150.00 or more; except as otherwise stated in Article IV, "Agricultural District"; and prior to the construction or erection of any stationary sign, billboard or swimming pool. All requests for Zoning Permits shall be made in writing by the owner or by his authorized agent and shall include a statement of the use or intended use of the building or structure after construction, erection or alteration and shall be accompanied by a plan drawn to scale, showing the proposed building line in its exact relation to lot and street lines of the bounding street or streets accurately located on the ground.

The Trustees may adopt a system of Zoning Permits, establish and collect reasonable fees therefore, and amend such fees, or adopt new fees from time to time when necessary.

Zoning Permits expire one year from the date of issuance and within this period all buildings shall have exterior walls, roof and doors completed.

Once started, the construction must be completed within a reasonable length of time to be determined by the Zoning Inspector.

D. Occupancy Permits.

No building hereafter constructed, erected or altered shall be occupied or used in whole or in part for any use whatsoever, and no change of use of any building or part thereof, or of any land, shall hereafter be made, until an occupancy permit has been issued by the Township Zoning Inspector, certifying that the building or use complies with the provisions of this Resolution. An occupancy permit shall be granted or denied within 10 days from the date of written application thereof.

E. Zoning Commission.

There is hereby created, to be appointed by the Trustees, a Zoning Commission. The Commission shall consist of five (5) members who shall be residents of the unincorporated territory of Boardman

Township. The members shall be appointed by the Board of Trustees, each for a term of five (5) years and so arranged that the term of one member expires each year. The Trustees may remove any member for cause and after public hearing. Vacancies shall be filled for the duration of the unexpired member's term.

Meetings of the Commission shall be at the call of the Chairperson and at such other times as the Commission may determine. Such Chairperson, or in his absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. Every amendment or repeal thereof shall immediately be filed in the office of the Commission and shall be a public record. A minimum of three voting members of the Zoning Commission will constitute a quorum.

F. Amendments.

a. Initiation of Amendment. Amendments to this resolution may be initiated in one of the following ways:

1. By adoption of a motion by the Zoning Commission;
2. By adoption of a resolution by the Board of Township Trustees;
3. By filing an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

b. Application for Amendment.

A petition for an amendment to the text of this Resolution or an amendment to change the zoning classification of a particular property shall be commenced by filing a petition with the Zoning Inspector, on the forms and accompanied by the fees specified. The petition shall explicitly describe the proposed amendment and shall be signed by the applicant. Petitions for rezoning of a specific site shall be accompanied by a plot plan or survey, which shall contain the following information:

- i. Applicant's name, address, and telephone number.
- ii. Scale, northpoint, and dates of submission and revisions.
- iii. Zoning classification of petitioner's parcel and all abutting parcels.
- iv. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 100 feet of the site.
- v. Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.
- vi. Location of existing drainage courses, floodplains, lakes and streams, wetlands, and riparian areas.
- vii. All existing and proposed easements.
- viii. Location of sanitary sewer systems, existing and proposed.
- ix. Location and size of water mains and building service leads, existing and proposed and all other proposed/existing utility connections.

Immediately after the adoption of a resolution by the Board of Township Trustees or the filing of an application, said application or resolution shall be transmitted to the Zoning Commission. Within five (5) days after the adoption of a motion by the Commission, transmittal of a resolution by the Board of Township Trustees, or the filing of an application, the Zoning Commission shall transmit a copy of such motion, resolution or application, together with the text and map pertaining to the case

in question, to the Planning Commission. The Planning Commission shall recommend the approval or denial, or the approval of some modification thereof of the case and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

c. Commission Review.

The Zoning Commission shall schedule a public hearing, not less than twenty (20) nor more than forty (40) days after the adoption of such motion, transmittal of such resolution, or the filing of such application, or within twenty (20) days after receiving a recommendation from the Mahoning County Planning Commission. Before holding the public hearing, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Township, at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing, the matter will be referred to the Board of Township Trustees for further determination. The notice of hearing shall also be placed on the Boardman Township website. If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property contiguous to and directly across the thoroughfare from such area proposed to be rezoned or redistricted, to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure to deliver the notice shall not invalidate any such amendment. At the hearing, a party may appear in person or by agent or by attorney.

d. Action by the Commission and Trustees.

Within thirty (30) days after the public hearing, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment, or it may recommend that the amendment not be granted. Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing shall be given by the Board of Township Trustees by at least one (1) publication in one (1) or more newspapers of general circulation in the Township, at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing, the matter will be decided by the Board of Township Trustees. The notice of hearing shall also be placed on the Boardman Township website. If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Board of Trustees, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property contiguous to and directly across the thoroughfare from such area proposed to be rezoned or redistricted, to the address of such owners appearing on the County Auditor's current tax list or the Treasurers mailing list. The failure to deliver the notice shall not invalidate any such amendment. At the hearing, a party may appear in person or by agent or by attorney.

Within twenty (20) days after public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, the unanimous vote of the Board of Township Trustees is required. The Trustees may

by majority vote of its membership adopt the Commission's recommendations. Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the adoption of such amendment unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees, a petition signed by a number of qualified voters residing in the unincorporated area of the township equal to not less than eight percent (8%) of the total vote cast for all candidates for Governor in such area at the last preceding General Election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at the next Primary or General Election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Mahoning County Board of Elections that the amendment has been approved by the voters it shall take effect immediately.

- e. **Reconsideration of a Proposed Map Amendment.**
Before a property may be resubmitted for a zoning reclassification, there shall be a waiting period of nine (9) months from the date of prior application. This time period shall apply to all properties on which a hearing/meeting has been held by either the Mahoning County Planning Commission, Boardman Township Zoning Commission, or Boardman Township Board of Trustees.
- f. **Review Considerations.**
The Commission and Trustees shall, at minimum, consider the following before taking action on any proposed amendment:
- i. Will the proposed amendment be in accordance with the basic intent and purpose of the Zoning Resolution?
 - ii. Will the proposed amendment further the long range planning goals of the Township?
 - iii. Have conditions changed since the Zoning Resolution was adopted, or was there a mistake in the Zoning Resolution, that justify the amendment?
 - iv. Will the amendment correct an inequitable situation created by the Zoning Resolution, rather than merely grant special privileges?
 - v. Will the amendment result in unlawful exclusionary zoning?
 - vi. Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
 - vii. If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?
 - viii. If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?
- g. **Record of Amendment Adoption.**
A record of all amendments approved by the Trustees shall be maintained by the Township. The master Zoning Map shall be maintained by the Office of the Zoning Inspector.

G. Board of Zoning Appeals.

There is hereby created, to be appointed by the Trustees, a Board of Zoning Appeals. The Board shall consist of five (5) members who shall be residents of the unincorporated territory of Boardman Township. The members shall be appointed by the Board of Trustees, each for a term of five (5) years and so arranged that the term of one member expires each year. The Trustees may remove any member

for cause and after public hearing. Vacancies shall be filled for the duration of the unexpired member's term. The Trustees may appoint up to two (2) alternate Board members with expiration of alternate board member terms to be determined by resolution of the Trustees.

Meetings of the Board shall be at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson, or in his absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the Board shall immediately be filed in the office of the Board and shall be a public record. A minimum of three voting members of the Board of Appeals will constitute a quorum

H. Variances and Appeals.

a. Intent.

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this resolution that the duties of the Board of Trustees in connection with this resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this resolution. Under this resolution, The Board of Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this resolution as provided by law, and of establishing a schedule of fees and charges as stated in this resolution. The purpose of this Section is to provide guidelines and standards to be followed by the Board in considering requests for variances and appeals, where the jurisdiction of the Board has been established by these regulations or by the Revised Code.

b. Purpose of Variances and Appeals.

- i. Appeals. Appeals to the Board of Zoning Appeals concerning interpretation or administration of this ordinance may be taken by any person aggrieved or affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board of Appeals a notice of appeal specifying the grounds upon which appeal is being taken. The Zoning Inspector shall transmit to the Board of Appeals all the documents constituting the record upon which the action appealed from was taken.
- ii. Variances. Where there are practical difficulties preventing a property owner from conforming with the strict letter of this Resolution, the Board shall have the power to authorize variances from the standards in this Resolution, with such conditions and safeguards as it may determine to be necessary so that the spirit of this Resolution is observed, public safety secured, and substantial justice done. A variance to permit a use not otherwise permitted within a zoning district (i.e., a "use variance") shall not be permitted.

c. Stay of Proceedings.

An appeal to the Board shall stay all proceedings in furtherance of the appealed action, unless the Zoning Inspector certifies to the Board, that by reason of the facts stated in the appeal, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed other than by

an injunction granted by the Court of Common Pleas.

d. Application to the Board.

Variations and appeals for which Board action is sought shall be commenced by a person filing an application to the Board on forms as specified by the Zoning Inspector and accompanied by required fees. The application shall specify the grounds upon which the appeal is based and shall contain a notarized signature of the property owner or owner's agent. Applications involving a request for a variance shall specify the section number(s) containing the standards from which a variance is sought and the nature and extent of such variance.

e. Plot Plan Requirements.

Applications involving a specific site shall be accompanied by a plot plan drawn to scale that includes the following information, where applicable:

- i. Applicant's name, address, and telephone number.
- ii. Property tax identification number, scale, northpoint, and dates of submission and revisions.
- iii. Zoning classification of petitioner's parcel and all abutting parcels.
- iv. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 50 feet of the site.
- v. For variances requested from any dimensional standard of this Resolution, the plot plan shall include verified measurements of existing conditions and the proposed dimensions or calculations regarding the specific standards from which the variance is sought.
- vi. Any additional information required by the Zoning Inspector or the Board to make the determination requested herein.

Where an application to the Board involves a variance sought in conjunction with a site plan review by the Zoning Inspector, the application data requirements for site plan review as set forth in this Resolution shall be followed.

f. Review by the Board.

The Zoning Inspector shall forward the application, along with any supporting materials and plans to the Board. The Board of Zoning Appeals shall hold a public hearing within forty (40) days after the receipt of a complete application for an appeal, variance or a conditional use. Before holding the public hearing, notice of such hearing shall be given in one or more newspapers of general circulation of the Township, at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal, variance, or conditional use. The notice of hearing shall also be placed on the Boardman Township website. A written notice of such hearing shall also be mailed by the Board of Zoning Appeals by first class mail, at least ten (10) days before the date of said hearing to all parties in interest. The notice shall contain the same information as required of notice published in the newspaper. Within thirty (30) days after the public hearing, the Board of Zoning Appeals shall either approve, approve with supplementary conditions or disapprove the request. At the hearing, a party may appear in person or by agent or by attorney.

g. Decision by the Board.

The concurring vote of three members of the Board shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of

the applicant any matter upon which they are required to pass under, or to effect any variation in a resolution adopted pursuant to the Revised Code. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, in accordance with the guidelines set forth herein. To that end, the Board shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit. With an affirmative decision, the Board may impose conditions. The decision of the Board shall be final, but any person or persons jointly or severely adversely affected by any decision of the Board of Appeals may appeal to the Court of Common Pleas of Mahoning County on the ground that such decision was unreasonable or unlawful. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal. Such appeal must be presented to the Court within thirty (30) days after the filing of the decision in the office of the Board.

h. Record of Decision and Order.

The Board shall prepare and retain a record of each appeal, and shall base its decision on this record. This record shall include:

- i. The relevant administrative records and the administrative orders issued thereon relating to the appeal.
- ii. The notice of the appeal.
- iii. Such documents, exhibits, plans, photographs, or written reports as may be submitted to the Board for its consideration.

The written findings of fact, the decisions, and the conditions imposed by the Board in acting on the appeal shall be entered into the official record, after being signed by the Chairperson of the Board.

- i. Standards for Variances and Appeals. Variances and appeals shall be granted only in accordance with and based on the findings set forth in this Section. The extent to which the following criteria apply to a specific case shall be determined by the Board.
 - i. Factors Applicable to Area Variances ("practical difficulty").
 1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 2. Whether the variance is substantial;
 3. 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;
 4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
 5. Whether the property owner purchased the property with knowledge of the zoning restrictions;
 6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
 7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.
 - ii. Standards Applicable to Use Variances ("unnecessary hardship").
 1. 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;
 2. The hardship condition is not created by actions of the applicant;
 3. The granting of the variance will not adversely affect the rights of adjacent owners;

4. The granting of the variance will not adversely affect the public health, safety or general welfare;
 5. The variance will be consistent with the general spirit and intent of this Resolution;
 6. The variance sought is the minimum which will afford relief to the applicant; and
 7. There is no other economically viable use which is permitted in the zoning district.
- iii. Criteria Applicable to Appeals. The Board shall reverse an order of an enforcement official only if it finds that the action or decision appealed:
1. was arbitrary or capricious; or
 2. was based on an erroneous finding of a material fact; or
 3. was based on erroneous interpretation of this Resolution or zoning law; or
 4. constituted an abuse of discretion.

I. Conditional Use Regulations.

1. Intent. The procedures and standards in this Section are intended to provide a consistent and uniform method for review of conditional use proposals. Conditional uses are uses, either public or private, which possess unique characteristics and therefore cannot be properly classified as permitted uses in a particular zoning district. These review procedures and standards are intended to accomplish the following purposes:
 - a. Ensure full compliance with the standards contained in this Resolution and other applicable local resolutions, and state and federal laws.
 - b. Achieve efficient use of the land.
 - c. Prevent adverse impact on adjoining or nearby properties.
 - d. Protect natural resources.
 - e. Facilitate development in accordance with the Township's land use objectives.
 - f. Minimize and mitigate adverse impacts upon the Township's ability to provide services.
2. Procedures and Requirements. Conditional use applications shall be submitted in accordance with the following procedures and requirements, which provide for review and action by the Board of Appeals. Although a site plan must be submitted with a special use application, approval of the conditional use is required prior to site plan approval.
 - a. Applicant Eligibility. The application shall be submitted by the owner of an interest in land for which conditional use approval is sought, or by the owner's designated agent. The applicant or a designated representative should be present at all scheduled review meetings or consideration of the proposal may be tabled.
 - b. Application Forms and Documentation. The application for conditional use shall be according to the requirements of the Zoning Inspector.
 - c. Application Data Requirements. A site plan shall be submitted with the conditional use application. In addition, the applicant shall complete any forms and supply any other data that may be required by the Board or Township staff to make the determination required, herein. The applicant shall provide all necessary written or graphic materials to document compliance with the standards set forth in this Resolution, and other regulatory guidelines specified for particular conditional uses elsewhere in this Resolution.
 - d. Site Plan Preparation. The site plan shall be prepared in the manner specified in this Resolution and on the conditional use application form. A site plan which does not meet the stipulated requirements shall be considered incomplete and shall therefore not be subject to

- formal review.
- e. Submission of a Completed Plan. The conditional use application materials, required fees, and 10 copies of the completed site plan shall be submitted to the Zoning Inspector for review.
 - f. Review by the Township Officials. The Zoning Inspector and other appropriate Township officials shall review the site plan and application materials, and prepare a written review, which shall specify any deficiencies in the site plan and application and make recommendations as appropriate.
 - g. Submission of a Revised Plan and Conditional Use Application. The applicant shall revise the site plan and application materials, based on the recommendations set forth in the Zoning Inspector's review. The applicant shall then submit 10 copies of the revised plan for further review by staff and the Board.
 - h. Board Consideration. After all application materials have been received and review fees paid, the application shall be reviewed in accordance with following procedures:
 - i. Acceptance for Processing. The application shall be placed on the agenda of the next available scheduled Board meeting and a public hearing shall be scheduled.
 - ii. Public Hearing. Ten days' notice of the public hearing shall be published in a newspaper of general circulation in the County, and sent by first class mail to all owners of property with addresses contiguous to and directly across the street from the property in question.
 - iii. Board Review. Following the public hearing, but not necessarily at the same meeting, the conditional use proposal and plan shall be reviewed by the Board, based on the standards and regulations in this Section.
 - iv. Plan Revision. If the Board determines that revisions are necessary to bring the conditional use proposal into compliance with applicable standards and regulations, the applicant shall be given the opportunity to submit a revised application and site plan. Following submission of revised application materials, the conditional use proposal shall be placed on the agenda of the next available scheduled meeting of the Board for further review and possible action.
 - i. Board Determination. The Board shall review the application for conditional use, together with the public hearing findings and reports and recommendations from the Zoning Inspector, Police Chief, Fire Chief, Road Superintendent, and other reviewing agencies. The Board shall then make a determination on the conditional use application, based on the requirements and standards of this Resolution. The Board may approve, approve with conditions, or deny a conditional use request as follows:
 - i. Approval. Upon determination by the Board that the final plan for conditional use is in compliance with the standards and requirements of this Resolution and other applicable resolutions and laws, approval shall be granted.
 - ii. Approval with Conditions. The Board may impose reasonable conditions with the approval of a conditional use proposal, to the extent authorized by law. Conditions imposed shall meet all of the following requirements:
 - (1) Conditions shall be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

- (2) Conditions shall be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- (3) Conditions shall be necessary to meet the intent and purpose of this Resolution, related to the standards established in this Resolution for the land use or activity under consideration, and necessary to insure compliance with those standards.
- iii. Denial. Upon determination by the Board that a conditional use proposal does not comply with the standards and regulations set forth in this Resolution, or otherwise would be injurious to the public health, safety, welfare, and orderly development of the Township, the conditional use proposal shall be denied.
- j. Recording of Board Action. Each action taken with respect to a conditional use shall be duly recorded in the minutes of the Board. The minutes shall record the findings of fact relative to each special use proposal, the grounds for the action taken, and any conditions imposed in conjunction with approval.
- k. Effect of Approval. Upon approval, a conditional use shall be deemed a conforming use permitted in the district in which it is proposed, subject to any conditions imposed and final approval of the site plan. Such approval shall affect only the lot or portion thereof on which the proposed use is located.
- l. Transferability. Conditional use approval shall apply only to the owner of the lot, and to the tenant if different from the owner, at the time of approval. Transfer of property ownership and/or transfer of tenancy shall terminate a conditional use approval, and a new approval shall be required in order to re-establish or continue the previously approved use under new ownership and/or tenancy.
- m. Board Authority. The Board shall not have the authority to consider an appeal of a decision by the Board concerning a conditional use proposal.
- n. Application for a Zoning Permit. Prior to issuance of a zoning permit, the applicant shall submit proof of the following:
 - i. Final approval of the conditional use application.
 - ii. Final approval of the site plan.
 - iii. Final approval of the engineering plans.
 - iv. Acquisition of all other applicable Township, county, or state permits.
- o. Expiration of Conditional Use Approval. If construction has not commenced within 24 months of final approval, the approval becomes null and void and a new application for conditional use shall be required. Upon written request from the applicant, a 12 month extension may be granted by the Board, if it finds that the approved conditional use application and site plan adequately represent current conditions on and surrounding the site. The written request for extension must be received prior to the site plan expiration date or a new application for conditional use review will be required.
- p. Revocation of Conditional Use Approval. Approval of a conditional use proposal and site plan may be revoked by the Board if construction is not in conformance with the approved plans. In such a case, the Zoning Inspector shall ask that the conditional use proposal be placed on the agenda of the Board. Written notice shall be provided to the applicant at least ten days prior to the meeting at which the case will be considered. The applicant shall be given the opportunity to present information and to answer questions. The Board, as appropriate, may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.
- q. Performance Guarantee. The Board may require that a performance guarantee be deposited

with the Township to ensure faithful completion of the improvements. Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to: landscaping, open space improvements, streets, lighting, and sidewalks. The performance guarantee shall comply with the requirements outlined in this Resolution.

- r. A conditional use permit for a use authorized under this resolution shall be issued for a three (3) year period. After a three (3) year period has elapsed, a renewal of the conditional use permit shall be required and may be issued provided that the Board of Zoning Appeals and the Zoning Inspector have determined that the said use has been and is continuing operation according to the specifications of the Zoning Resolution, and any attached special conditions in the previous conditional use permit. If necessary, the Board of Zoning Appeals may modify the requirements for the continued operation of the use as a prerequisite for the re-issuance of the conditional use permit.
3. Standards for Granting Conditional Use Approval. Approval of a conditional use proposal shall be based on the determination that the proposed use will comply with all applicable requirements of this Resolution, including site plan review criteria set forth for applicable site development standards for specific uses set forth elsewhere in this Resolution, and the following standards:
 - a. Compatibility with Adjacent Uses. The proposed conditional use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:
 - i. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - ii. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - iii. The hours of operation of the proposed use. Approval of a conditional use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
 - iv. The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
 - b. Compliance with Applicable Regulations. The proposed conditional use shall be in compliance with all applicable federal, state, and local laws and ordinances.
 - c. Use of Adjacent Property. The proposed conditional use shall not interfere with the use and enjoyment of adjacent property.
 - d. Public Services. The proposed conditional use shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police and fire protection services, and educational services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the conditional use is completed.
 - e. Impact of Traffic. The location of the proposed conditional use shall minimize the impact of traffic generated. In determining whether this requirement has been met, consideration shall be given to the following:
 - i. Proximity and access to major thoroughfares.
 - ii. Estimated traffic generated by the proposed use.
 - iii. Proximity and relation to intersections.

- iv. Adequacy of driver sight distances.
- v. Location of and access to off-street parking.
- vi. Required vehicular turning movements.
- vii. Provision of pedestrian traffic.
- f. Enhancement of Surrounding Environment. The proposed conditional use shall provide the maximum feasible enhancement of the surrounding environment, and shall not unreasonably interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. In determining whether this requirement has been met, consideration shall be given to:
 - i. The provision of landscaping and other site amenities. Provision of additional landscaping over and above the specific requirements of this Resolution may be required as a condition of approval of a conditional use.
 - ii. The bulk, placement, and materials of construction of proposed structures in relation to surrounding uses.
- g. Impact on Public Health, Safety, and Welfare. The proposed conditional use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed in a manner that is detrimental to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the production of traffic; noise, vibration, smoke, fumes, odors, dust, glare, and light.
- h. Isolation of Existing Uses. The location of the proposed conditional use shall not result in a small residential area being substantially surrounded by non-residential development, and further, the location of the proposed conditional use shall not result in a small non-residential area being substantially surrounded by incompatible uses.
- i. Need for the Proposed Use. The Commission shall find that a need for the proposed use exists in the community at the time the conditional use proposal is considered.

J. Violations and Penalties.

Violation of any provision of this Resolution or any amendment or supplement thereto by any other owner or lessee or other person, firm, or corporation shall constitute a misdemeanor and each 24 hour violation shall be deemed a separate offense, punishable by a fine not to exceed \$500.00 per violation.

K. Actions Preventing Violation.

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or use, or any land is, or proposed to be used in violation of this Resolution, the Township Zoning Inspector may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

L. Validity.

If any part of this Resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of the Resolution. The Boardman Board of Township Trustees hereby declares that it would have passed the Resolution and each section and subsection thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

M. Effect on Other Resolutions and Date When Applicable.

No provision in this Resolution shall be interpreted as superseding any greater restriction or regulation contained in any other resolutions or any deed or plat restriction.