

# Sugarcreek Township Zoning Resolution



*An Open Space Community*

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## **ARTICLE 1: GENERAL PROVISIONS**

### **1.01 Purpose**

The purpose of this Zoning Resolution shall be as established and provided for in Section 519.02 of the Ohio Revised Code.

### **1.02 Title**

This Resolution shall be known, and may be cited and referred to as, the “Sugar creek Township Zoning Resolution” and shall include the Resolution as originally adopted in 1954, and all subsequent amendments thereto.

### **1.03 Applicability**

This Resolution has been passed under the authority granted to the Township under Chapter 519 of the ORC and embraces the provisions thereof regarding enforcement and penalties for violations.

### **1.04 Jurisdiction**

- A) The provisions of this Resolution shall apply to all land, land development, use of all structures, and uses of land within the unincorporated areas of Sugar creek Township, Greene County, Ohio.
- B) Where a parcel of land is partially located within another jurisdiction, outside of unincorporated Sugar creek Township, this Zoning Resolution shall only apply to that portion of the parcel that is within unincorporated Sugar creek Township.

### **1.05 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 permitted by the ORC and this Resolution.
- 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 as determined by the Zoning Compliance Officer.
- 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 complies with the ORC.

### **1.06 Relationship with Private-Party Agreements**

- A) This Zoning Resolution is not intended to interfere with or abrogate any easements, covenants, or agreements between parties, provided that wherever this Zoning Resolution proposes a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open areas than those that are imposed or required by such easements, covenants, or agreements between parties, 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 except those that may be held by the Township. As such, the Zoning Compliance Officer cannot use the regulations of a private party agreement to deny a Zoning certificate when the proposed use, structure, or building meets the requirements of this Zoning Resolution.

**1.07 Zoning Certificate Required**

- A) It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a Zoning certificate is issued by the Zoning Compliance Officer in accordance with Section 3.05 (Zoning certificate).
- B) Such Zoning certificate shall state that such building, premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of this Zoning Resolution.

**1.08 Approval of Sanitary Waste Disposal and Water Service**

In every instance where a lot is not serviced with public water and/or a public system for the disposal of sanitary wastes, the application for a permit shall be accompanied by a certificate or letter of approval by the Greene County Combined Health District or the Ohio Environmental Protection Agency, as applicable, of the proposed method of water supply and/or disposal of sanitary wastes.

**1.09 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 necessarily 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 necessarily affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.
- D) Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or Board considered such condition or limitation necessary to carry out the spirit and intent of this Zoning Resolution, and that the officer, commission, or Board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

**1.10 Transitional Rules**

**A) Effective Date**

- 1) This Resolution became effective on June 17, 2010.
- 2) Any amendments to this Zoning Resolution shall be in full force and effect as provided in Section 519.12 of the Ohio Revised Code.

**B) Violations Continue**

Any violation under previous Zoning Resolutions that existed in the Township prior to the adoption of this Zoning Resolution shall continue to be a violation under this Zoning Resolution and is subject to penalties and enforcement under Article 11 (Enforcement and Penalties), unless the use, development, construction, or other activity complies with the provisions of this Zoning Resolution.

**C) Nonconformities Continue**

- 1) Any legal nonconformity that exists at the time of the enactment of this amendment shall continue to be a legal nonconformity under this Zoning Resolution, as long as the situation that resulted in the nonconforming status under the previous Resolutions continues to exist.
- 2) If a legal nonconformity that exists at the time of the enactment of this amendment becomes conforming because of the adoption of this amendment, then the situation will be considered conforming and shall no longer be subject to the nonconformities regulations of Section 4.15 (Nonconformities).

**D) Approved Projects**

- 1) Any building, structure, or development for which a zoning certificate, conditional use approval, or variance approval 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 or approved use along with 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 upon the issuance of an Occupancy Permit from the Greene County Department of Building Regulation.
- 2) If the building or structure is not completed within the time allowed under the original zoning certificate, conditional use approval, or variance approval 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, conditional use approval, or variance approval has expired shall meet the standards in effect at the time of application.
- 4) Any preliminary development application approved as part of a Planned Development (PD) or Residential Planned Unit Development District (R-PUD) prior to the effective date of this Zoning Resolution shall continue to be valid for two years. If a final development application is not submitted within two years of the effective date of this Zoning Resolution, the preliminary development application shall be deemed null and void and a new preliminary development application will need to be reviewed and approved pursuant to Article 5 (Planned Unit Development District) or Article 6 (Residential Planned Unit Development District).

**1.11 Restoration of Unsafe Buildings**

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

**1.12 Repeal**

This Zoning Resolution may be repealed in accordance with Section 519.25 of the Ohio Revised Code.

**1.13 Use of Graphics, 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 reference in parenthesis. Where a conflict may occur between the given cross-reference number and name, the name shall control.

## ARTICLE 2: ADMINISTRATIVE ROLES AND AUTHORITY

### 2.01 Purpose

The purpose of this article is to identify the roles and responsibilities of various elected and appointed Boards, as well as the duties of Township staff, in the administration of this Zoning Resolution.

### 2.02 Summary Table of Review Bodies

- A) Table 2-1 summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in Article 3 (Development Review Procedures). Other duties and responsibilities of the entities are set forth in subsequent sections of this article.
- B) Even though not referenced in this article, other Boards, Commissions, government agencies, and non-government agencies may be asked by the Zoning Compliance Officer, the Sugarcreek Township Board of Zoning Commission, or the Sugarcreek Township Board of Township Trustees, to review some applications, including, but not limited to, map amendments (rezonings), text amendments, and planned unit developments.

**Table 2-1: Summary Table of Review Bodies**

		H = Hearing (Public Hearing Required)		D = Decision (Responsible for Final Decision)	
		M = Meeting (Public Meeting Required)		R = Review	
Procedure	Section	Board of Township Trustees	Board of Zoning Commission (BZC)	Board of Zoning Appeals (BZA)	Zoning Compliance Officer
Zoning Certificate	Sec. 3.05				D
Zoning Certificate in the WPAC-OD	Sec. 4.11		M-R (if standards are not met)		D
Zoning Resolution Text or Map Amendment	Sec. 3.06	H-D	H-R		R
Conditional Use	Sec. 3.07			H-D	R
Appeals	Sec. 3.07			H-D	
Variance	Sec. 3.07			H-D	R
PUD – Preliminary Development Application	Sec. 5.09	H-D	H-R		R
PUD – Final Development Application	Sec. 5.09	H-D	H-R		R
R-PUD – Concept Plan	Sec. 6.09		M-D		R
R-PUD – Preliminary Development Application	Sec. 6.08	H-D	H-R		R
R-PUD – Final Development Application	Sec. 6.08	H-D	H-R		R

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**2.03 Board of Township Trustees**

For the purpose of this Zoning Resolution, the Sugarcreek Township Board of Township Trustees shall have the following duties:

- A) Initiate proposed amendments to this Zoning Resolution;
- B) Review and decide on all proposed zoning text and map amendments to this Zoning Resolution;
- C) Review and decide on preliminary and final development applications as they relate to a proposed PUD or R-PUD; and
- D) Perform all other duties as specified in Chapter 519 of the ORC and as specified in this Zoning Resolution.

**2.04 Board of Zoning Commission**

The Board of Township Trustees, for the purpose and intent of this Zoning Resolution, hereby creates and establishes the Sugarcreek Township Board of Zoning Commission, hereafter referred to as the BZC.

**A) Appointment and Organization**

- 1) The BZC shall be composed of five members who reside in the unincorporated area of Sugarcreek Township, to be appointed by the Board of Township 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 BZC shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Board of Township Trustees, upon written charges being filed with the Board, and 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 ten days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- 5) Vacancies shall be filled by appointment by the Board of Township Trustees and shall be for the time remaining in the unexpired term.

**B) Roles and Powers**

The BZC shall have the following roles and powers:

- 1) Convene public meetings or hearings to:
  - a. Initiate proposed amendments to this Zoning Resolution;
  - b. Review all proposed zoning text and map amendments to this Zoning Resolution and make recommendations to the Board of Township Trustees;
  - c. Meet with applicants to review a proposed concept plan as part of a R-PUD; and
  - d. Review and make recommendations to the Board of Township Trustees regarding preliminary and final development applications as they relate to a proposed PUD or R-PUD.
- 2) Perform all other duties as specified for Township zoning commissions in Chapter 519 of the ORC and as specified in this Zoning Resolution.

## ARTICLE 2: ADMINISTRATIVE ROLES AND AUTHORITY

### Section: 2.05 Board of Zoning Appeals

#### C) Alternates

- 1) The Board of Township Trustees may appoint two alternate members to the BZC for a term of five years each.
- 2) An alternate member may take the place of an absent regular member at any meeting of the BZC. An alternate member shall not take the place of an absent regular member if such alternate has not been present to hear all testimony regarding the matter at hand.
- 3) Whenever an alternate takes the place of an absent regular member in a matter that requires a vote, the alternate member shall take the place of the absent regular member for all meetings and hearings related to such issue.
- 4) An alternate member shall meet the same appointment criteria as a regular member.
- 5) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

#### D) Rules

The BZC may organize and adopt rules 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 chair, or acting chair, and at such other times as the BZC may determine.
- 2) All meetings shall be open to the public, except as exempted by law.
- 3) The BZC 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 filed in a timely manner in the Township offices.

#### F) Quorum

- 1) Any combination of three regular or alternate members of the BZC shall constitute a quorum.
- 2) The BZC shall act when a majority of a quorum concurs and every decision shall be accompanied by written findings specifying the reason for granting or denying the application, or making its recommendation.

### 2.05 Board of Zoning Appeals

The Board of Township Trustees, for the purpose and intent of this Zoning Resolution, hereby creates and establishes the Sugarcreek Township Board of Zoning Appeals, hereafter referred to as the BZA.

#### A) Appointment and Organization

- 1) The BZA shall consist of five members, to be appointed by the Board of Township Trustees.
- 2) Members shall be residents of the unincorporated area of Sugarcreek Township, Greene County, Ohio.
- 3) Members shall serve five-year terms with the term of one member expiring each year.
- 4) Each member shall serve until their successor is appointed and qualified.

## ARTICLE 2: ADMINISTRATIVE ROLES AND AUTHORITY

Section: 2.05 Board of Zoning Appeals

- 5) Members of the BZA shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Board of Township Trustees, upon written charges having been filed with the Board, and 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 the same at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- 6) Vacancies shall be filled by appointment by the Board of Township Trustees and shall be for the time remaining in the unexpired term.

### B) Roles and Powers

The BZA shall have the following roles and powers:

- 1) To convene public meetings or hearings to:
  - a. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Zoning Resolution;
  - b. Authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship (use variance) or practical difficulties (area/dimensional variance), and so that the spirit of the Resolution shall be observed and substantial justice done;
  - c. Hear and decide on conditional uses for the use of land, buildings, or other structures as provided for in this Resolution. If the BZA considers conditional Zoning certificates for activities that are permitted and regulated under Chapter 1514 of the ORC or activities that are related to making finished aggregate products, the BZA shall proceed in accordance with Section 519.141 of the ORC.
  - d. Revoke an authorized variance or conditional Zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated. The BZA shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under this paragraph and of the holder's right to a hearing before the BZA, within 30 days of the mailing of the notice, if the holder so requests. If the holder requests a hearing, the BZA shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by the holder's attorney, or by other representative, or the holder may present the holder's position in writing. The holder may present evidence and examine witnesses appearing for or against the holder. If no hearing is requested, the BZA may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.
- 2) In exercising the above-mentioned powers, the Board may, in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end has all powers of the administrative official from whom the appeal is taken.

## ARTICLE 2: ADMINISTRATIVE ROLES AND AUTHORITY

Section: 2.06 Zoning Compliance Officer

- 3) All other powers conferred upon Township Boards of zoning appeals in Section 519.14 of the Ohio Revised Code, or as authorized by the Board of Township Trustees in compliance with state law.

### C) Alternates

- 1) The Board of Township Trustees may appoint two alternate members to the BZA for a term of five years each.
- 2) An alternate member may take the place of an absent regular member at any meeting of the BZA. An alternate member shall not take the place of an absent regular member if such alternate has not been present to hear all testimony regarding the matter at hand.
- 3) Whenever an alternate takes the place of an absent regular member in a matter that requires a vote, the alternate member shall take the place of the absent regular member for all meetings and hearings related to such issue.
- 4) An alternate member shall meet the same appointment criteria as a regular member.
- 5) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

### D) Rules

The BZA may organize and adopt rules for its own governance provided they are consistent with state law or with any other Resolution of the Township.

### E) Meetings

- 1) Meetings of the BZA shall be held at the call of the chair and at such other times as the BZA may determine.
- 2) The chair, or in their absence, the acting chair, may administer oaths and the BZA may compel the attendance of witnesses per Section 519.15 of 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 a timely manner in the Township offices and shall be a public record, unless exempted by law.

### F) Quorum

- 1) Any combination of three regular or alternate members of the BZA shall constitute a quorum.
- 2) The BZA shall act by Resolution when three members concur. Every decision shall be accompanied by written findings of fact, based on testimony and evidence and specifying the reason for granting or denying the application.

## 2.06 Zoning Compliance Officer

### A) Roles and Powers

The Board of Township Trustees shall appoint a Zoning Inspector (as defined in the ORC) who shall have the following roles and powers and shall be referred to as the Zoning Compliance Officer for the purposes of this Resolution:

- 1) Serve as the Zoning Compliance Officer within the Sugarcreek Township Zoning Office.

## ARTICLE 2: ADMINISTRATIVE ROLES AND AUTHORITY

### Section: 2.06 Zoning Compliance Officer

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- 2) It shall be the duty of the Zoning Compliance Officer to enforce this Zoning Resolution. It may also be the duty of all officials and employees of the Township to assist the Zoning Compliance Officer by reporting to him/ her upon new construction, reconstruction, land uses, or upon seeing violations.
  - 3) It shall be the duty of the Zoning Compliance Officer to review applications for Zoning certificates and to ensure compliance with this Zoning Resolution in accordance with Section 3.05 (Zoning certificate).
  - 4) Upon written request from the owner or authorized agent, the Zoning Compliance Officer shall issue a Zoning certificate for any building or premises existing at the time of effective date of this Zoning 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 Zoning Resolution.
  - 5) It shall be the duty of the Zoning Compliance Officer to keep adequate records of all applications and decisions on said applications.
  - 6) It shall be the duty of the Zoning Compliance Officer to issue citations of zoning violations and keep adequate records of all violations.
  - 7) The Board of Township Trustees may also appoint additional Zoning Compliance Officer personnel to assist the Zoning Compliance Officer in such roles and powers.

#### B) Decisions

- 1) A decision of the Zoning Compliance Officer may be appealed to the BZA.
- 2) The Zoning Compliance Officer shall have appropriate forms for appeal available at the time of any decision.

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## **ARTICLE 3: DEVELOPMENT REVIEW PROCEDURES**

### **3.01 Purpose**

The purpose of this article is to identify the development review procedures used in the administration of this Zoning Resolution.

### **3.02 Agricultural Exemption**

- A) Agricultural uses, and buildings or structures that are incidental to an agricultural use, located on a lot with a lot area of five acres or more shall be exempt from the requirements of this Zoning Resolution and property owners shall not be required to obtain a Zoning Certificate for such uses in accordance with Section 519.21 of the ORC.
- B) Structures that are exempt from the provisions of the Zoning Resolution pursuant to this section may not be exempt from any applicable special flood hazard area regulations established and enforced by Greene County.

### **3.03 Exemptions for Public Utilities and Railroads**

Per Section 519.211 of the ORC, no part of this Zoning Resolution shall confer any power on the Board of Township Trustees, BZC, or BZA, to regulate the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business.

### **3.04 Common Review Requirements**

The requirements of this section shall apply to all development review applications and procedures subject to development 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 owner of record or the duly authorized agent of the record owner and may be required to provide proof of such authority at the time of application.
- 2) The BZC and Board of Township Trustees may initiate zoning text and map amendments under this Zoning Resolution, in accordance with Section 519.12 of the ORC, with or without an application from the property owner who may be affected.

#### **B) Application Contents**

##### **1) Submittal Requirements**

Applications required under this Zoning Resolution shall be submitted in a form and in such numbers as established by the BZC and made available to the public. A list of submittal requirements is available at the offices of the Zoning Compliance Officer.

##### **2) Complete Application Determination**

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

## ARTICLE 3: DEVELOPMENT REVIEW PROCEDURES

### Section: 3.04 Common Review Requirements

- b. The Zoning Compliance Officer shall make a determination of application completeness within three business days of the application filing.
- 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 Compliance Officer shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a future re-submittal application.
- e. If the applicant fails to re-submit a complete application within 60 days, the original fee shall be forfeited and the applicant shall be required to submit a new application including fees pursuant to this article.
- f. If any materially false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

#### 3) **Submission of Fees**

- a. Applications shall be accompanied by a fee as established by the Board of Township Trustees.
- b. The Township shall charge appropriate fees for the review or issuance of Zoning Certificates, conditional use certificates, appeals, variances, zoning amendments, and other applicable certificates 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 Sugarcreek Township Zoning Department, or its designee, and shall be paid in accordance with the Official Zoning Fee Schedule as established by the Board of Township Trustees.

#### 4) **Refund of Fees**

Application or review fees are not refundable except where the Zoning Compliance Officer 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.

#### C) **Simultaneous Processing of Applications**

Whenever two or more forms of review and approval are required under this Zoning Resolution, the Zoning Compliance Officer shall determine the order and timing of review. The Zoning Compliance Officer may authorize a simultaneous review of applications.

#### D) **Constructive Notice**

The following shall apply to all notice requirements established in each development review procedure:

- 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-

## ARTICLE 3: DEVELOPMENT REVIEW PROCEDURES

### Section: 3.05 Zoning Certificate

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) Continuation of Public Hearings

A public hearing for which proper notice was given may be continued to a later date with notice as may be required in accordance with Section 121.22 of the Ohio Revised Code.

#### F) Computation of Time

- 1) 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.
- 2) When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).
- 3) When the Township offices are closed to the public for the entire day which constitutes the last day of the period of time or when the offices close before its usual closing time on such day, then such application, act, decision, or event may be performed on the next succeeding days which is not a Saturday, a Sunday, or a legal holiday.
- 4) Timelines may be extended by authorization of the applicant.

#### G) Measurement of Distance for Notice

When written notice is required within a certain distance of the property subject to notification, the distance shall be measure from the property line of the subject property.

### 3.05 Zoning Certificate

#### A) Applicability

A Zoning Certificate shall be required for any of the following:

- 1) New construction or structural alteration of any building or structure, including accessory buildings;
- 2) Change in use of an existing building, accessory building, lot, or portion thereof, to a use of a different classification, excluding changing to any agricultural use;
- 3) Occupancy and use of vacant land, excluding agricultural uses of land;
- 4) Change in the use of land to a use of a different classification; or
- 5) Any change in the use of a nonconforming use.

## ARTICLE 3: DEVELOPMENT REVIEW PROCEDURES

Section: 3.05 Zoning Certificate

### B) Review Procedure

#### 1) Step 1 – Application

The applicant shall submit to the Zoning Compliance Officer prior to submitting for a Greene County Building Permit:

- a. All application and submittal requirements pursuant to Section 3.04 (B) (Application Contents); and
- b. All required fees as established in the Sugarcreek Township fee schedule.

#### 2) Step 2 – Review

The Zoning Compliance Officer shall review the application for conformance with the provisions of this Zoning Resolution.

#### 3) Step 3 – Decision

- a. Within 14 business days after the application (Step 1), the Zoning Compliance Officer shall either approve and issue the Zoning Certificate or deny the application and in so doing state in writing the reasons for the action taken.
- b. Upon approval, the Zoning Compliance Officer shall return one signed copy of the application and maintain the second copy of the application for Township records.
- c. If the application is denied, the applicant may submit a new application and sketch plan for review in accordance with this review procedure, including a new fee, or the applicant may appeal the decision to the BZA in accordance with Section 3.07 (Appeals, Variances, and Conditional Uses) of this Zoning Resolution.

### C) Review Criteria

All applications for a Zoning Certificate shall demonstrate conformity with the provisions of this Zoning Resolution.

### D) Expiration

- 1) Construction shall begin within 12 months of issuance of a Zoning Certificate and shall be substantially completed within 24 months of the date upon which the Zoning Certificate was issued, unless the owner of the property has established a vested right under the laws of Ohio to the use for which the original Zoning Certificate was issued.
  - a. Construction shall be considered “begun” if the footers of the structure have been installed. If no footers are required, construction shall be considered “begun” when the slab or foundation of said structure is constructed.
  - b. A determination of substantial completion shall be made by the Zoning Compliance Officer. Factors to be utilized in the determination of substantial completion include the completion of the Final Zoning Inspection, the completion of the Final Building Inspection and/or the issuance of a Certificate of Occupancy from the Greene County Department of Building Regulations.
- 2) Failure to begin construction within 12 months and substantially complete construction within 24 months shall result in the expiration of the Zoning Certificate unless the applicant requests and receives an extension from the Zoning Compliance Officer for good cause. Factors to be considered by the Zoning Compliance Officer when determining whether to grant an extension shall include:

**ARTICLE 3: DEVELOPMENT REVIEW PROCEDURES**

Section: 3.06 Zoning Certificate with Zoning Commission Review in the Wilmington Pike Area Corridor Overlay District

- a. The length of additional time necessary to complete construction;
  - b. The reason for the delay;
  - c. Good faith on the part of the applicant;
  - d. The existence of or potential for any substantial detriment to adjoining property as a result of the extension; and
  - e. Conformance with this Zoning Resolution.
- 3) Upon expiration of a Zoning Certificate, a new Zoning Certificate application, including all applicable fees, shall be required before construction or resumption of construction can begin.

**3.06 Zoning Certificate with Zoning Commission Review in the Wilmington Pike Area Corridor Overlay District**

**A) Applicability**

The Zoning Compliance Officer shall have the authority to forward an application to the Zoning Commission for review if the Zoning Compliance Officer determines that the application does not meet the requirements of Section 4.11 (Wilmington Pike Area Corridor Overlay District Standards).

**B) Review Procedure**

1) **Step 1 – Application**

The applicant shall submit to the Zoning Compliance Officer prior to submitting for a Greene County Building Permit:

- a. All application and submittal requirements pursuant to Section 3.04 (B) (Application Contents); and
- b. All required fees as established in the Sugarcreek Township fee schedule.

2) **Step 2 – Review**

The Zoning Compliance Officer shall review the application for conformance with the provisions of this Zoning Resolution. Should the Zoning Compliance Officer determine that the Application does not meet the requirements of Section 4.11 (Wilmington Pike Area Corridor Overlay District) the application shall be forwarded to the Sugarcreek Township Zoning Commission for review. The Zoning Commission shall review the application within 20 days of the submission of the application (Step 1). Notification of the meeting shall be given in accordance with the Ohio Revised Code.

3) **Step 3 – Decision**

- a. Within 30 business days after the application (Step 1), the Zoning Compliance Officer shall either approve and issue the Zoning Certificate or deny the application and in so doing state in writing the reasons for the action taken. In the case that the Zoning Commission has the authority to review the application, the Zoning Commission shall review each complete application and either approve or deny the issuance of a Zoning Certificate by the Zoning Compliance Officer.

## ARTICLE 3: DEVELOPMENT REVIEW PROCEDURES

### Section: 3.07 Zoning Text and Map Amendments

- b. Upon approval, the Zoning Compliance Officer shall return one signed copy of the application and maintain the second copy of the application for Township records.
- c. If the application is denied, the applicant may submit a new application and sketch plan for review in accordance with this review procedure, including a new fee, or the applicant may appeal the decision to the BZA in accordance with Section 3.07 (Appeals, Variances, and Conditional Uses) of this Zoning Resolution.

#### C) Review Criteria

All applications for a Zoning Certificate shall demonstrate conformity with the provisions of this Zoning Resolution.

#### D) Expiration

- 1) Construction shall begin within 12 months of issuance of a Zoning Certificate and shall be substantially completed within 24 months of the date upon which the Zoning Certificate was issued, unless the owner of the property has established a vested right under the laws of Ohio to the use for which the original Zoning Certificate was issued.
  - a. Construction shall be considered “begun” if the footers of the structure have been installed. If no footers are required, construction shall be considered “begun” when the slab or foundation of said structure is constructed.
  - b. A determination of substantial completion shall be made by the Zoning Compliance Officer. Factors to be utilized in the determination of substantial completion include the completion of the Final Zoning Inspection, the completion of the Final Building Inspection and/or the issuance of a Certificate of Occupancy from the Greene County Department of Building Regulations.
- 2) Failure to begin construction within 12 months and substantially complete construction within 24 months shall result in the expiration of the Zoning Certificate unless the applicant requests and receives an extension from the Zoning Compliance Officer for good cause. Factors to be considered by the Zoning Compliance Officer when determining whether to grant an extension shall include:
  - a. The length of additional time necessary to complete construction;
  - b. The reason for the delay;
  - c. Good faith on the part of the applicant;
  - d. The existence of or potential for any substantial detriment to adjoining property as a result of the extension; and
  - e. Conformance with this Zoning Resolution.
- 3) Upon expiration of a Zoning Certificate, a new Zoning Certificate application, including all applicable fees, shall be required before construction or resumption of construction can begin.

### 3.07 Zoning Text and Map Amendments

#### A) Amendment Initiation

Amendments or supplements to the Zoning Resolution may be initiated by:

- 1) Motion of the BZC;

## ARTICLE 3: DEVELOPMENT REVIEW PROCEDURES

### Section: 3.07 Zoning Text and Map Amendments

- 2) Passage of a Resolution by the Board of Township Trustees; or
- 3) By the filing of an application by one or more of the owners of property within the area proposed to be changed or affected by the proposed amendment.

If the Board of Township Trustees initiates the amendment, the Board shall, upon the passage of such Resolution, forward it to the BZC.

#### B) Review Procedure

##### 1) Step 1 – Preapplication Conference

- a. The applicant is encouraged to meet with the Sugarcreek Township Zoning Compliance Officer 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 preapplication conference are not binding on the Township and do not constitute official assurances or representations by Sugarcreek 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 BZC at the Township offices.
- b. The application shall include all application and submittal requirements pursuant to Section 3.04 (B) (Application Contents);
- c. 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.
- d. Applications for amendments initiated by the BZC or the Board of Township Trustees shall be accompanied by the initiating Board's motion or Resolution pertaining to such proposed amendment.
- e. All applications shall be submitted with the required fees as established in the Sugarcreek Township fee schedule.

##### 3) Step 3 – Referral to the Greene County Regional Planning and Coordinating Commission

- a. Within five days after the adoption of a motion, certification of a Resolution, or the filing of an application (Step 2), the Zoning Compliance Officer or their designee shall transmit a copy thereof to the Greene County Regional Planning and Coordinating Commission.
- b. The Greene County Regional Planning and Coordinating Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and shall submit a written recommendation to the BZC.
- c. Such recommendation shall be considered at the public hearing held by the BZC on such proposed amendment.

## ARTICLE 3: DEVELOPMENT REVIEW PROCEDURES

Section: 3.07 Zoning Text and Map Amendments

### 4) **Step 4 – Public Hearing with the BZC**

- a. Upon adoption of a motion, certification of a Resolution, or the filing of an application for an amendment (Step 2), the BZC 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 submitted.
- c. Notification of the public hearing shall be given in accordance with Section 519.12 of the ORC.

### 5) **Step 5 – Recommendation by the BZC**

Within 30 days after the BZC's public hearing (Step 4), the BZC shall recommend the approval or denial of the proposed amendment and submit a written recommendation together with such application or Resolution, the text and map pertaining thereto, and the recommendation of the Greene County Regional Planning and Coordinating Commission to the Board of Township Trustees.

### 6) **Step 6 – Public Hearing with the Board of Township Trustees**

- a. Upon receipt of the recommendation from the BZC (Step 5), the Board of Township 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 BZC.
- c. Notification of the public hearing shall be given in accordance with Section 519.12 of the ORC.

### 7) **Step 7 – Decision**

Within 20 days after its public hearing (Step 6), the Board of Township Trustees shall either adopt or deny the recommendations of the BZC, or adopt some modification thereof, in accordance with the provisions of Section 519.12 of the Ohio Revised Code. Such decision shall be made in writing. A simple majority vote among the Board of Township Trustees shall be required for adoption with modifications of the BZC written recommendation.

### C) **Effective Date and Referendum**

Any amendment adopted by the Board of Township Trustees shall become effective 30 days after the date of such adoption, unless, within 30 days after the adoption of the amendment, there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township or part of that unincorporated area subject to this Zoning Resolution equal to not less than eight percent of the total vote cast for all candidates for governor in such area at the most recent 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 a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment Resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in Sections 519.12 and 3501.38 of the ORC.

## ARTICLE 3: DEVELOPMENT REVIEW PROCEDURES

### Section: 3.08 Appeals, Variances, and Conditional Uses

#### D) Review Criteria

The following criteria shall be used in decisions regarding zoning amendments:

- 1) The amendment is in accordance with the Sugarcreek Township Comprehensive Development Plan and this Zoning Resolution; and
- 2) Where more than one zoning district is available that permits the land use designation, the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon the recommendations of the Comprehensive Development Plan.

### 3.08 Appeals, Variances, and Conditional Uses

#### A) Review Procedure

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

##### 1) Step 1 – Application

- a. An application for a variance, conditional use, or other review, over which the BZA has original jurisdiction under Section 2.05 (Board of Zoning Appeals), with the exception of appeals, may be made by any property owner, including an authorized agent, or by a governmental officer, department, Board or bureau.
- b. The application shall include all application and submittal requirements pursuant to Section 3.04 (B) (Application Contents);
- c. **Application for Appeals**
  - i. An appeal to the BZA may be taken by any person aggrieved by a decision of the Zoning Compliance Officer or by any administrative officer of the Township in interpreting or applying the provisions of this Zoning Resolution. Such appeal shall be taken within 20 days of the decision in question, by filing with the Zoning Compliance Officer and with the BZA, a notice of appeal specifying the grounds thereof.
  - ii. The Zoning Compliance Officer shall forthwith transmit to the BZA all the papers constituting the record upon which the action appealed from was taken.
- d. The Zoning Compliance Officer shall transmit a copy of the application to the BZA.
- e. All applications shall be submitted with the required fees as established in the Sugarcreek Township fee schedule.

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

- a. The BZA shall fix a reasonable time for the public hearing on any application or appeal, give at least 10 days of notice in writing to the parties in interest, and give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least 10 days before the date of such hearing.
- b. The BZA shall fix a reasonable time for a hearing on any application or appeal, give public notice thereof, and give at least 10 days notice to parties in interest, and decide upon the appeal within a reasonable time after it is submitted (Step 1).
- c. Written notice shall be given to property owners within 500 feet of the subject property. A published notice shall also be provided in a newspaper of general circulation.

## ARTICLE 3: DEVELOPMENT REVIEW PROCEDURES

### Section: 3.08 Appeals, Variances, and Conditional Uses

- d. Any party may appear in person or by attorney at a hearing for an appeal or application.
- e. Upon the day for hearing any application or appeal, the BZA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper to be substantially interested in said application or appeal.

#### 3) **Step 3 – Decision**

- a. A certified copy of the BZA’s written decision shall be transmitted to the applicant or appellant at the address as shown on the records of the BZA. Such decision shall be binding upon the Zoning Compliance Officer and observed by him/her and he/she shall incorporate the terms and conditions of the decision in the permit to the applicant or appellant, whenever the BZA authorizes a Zoning certificate.
- b. For appeals, the BZA may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Compliance Officer from whom the appeal is taken.
- c. Failure to comply with the conditions of a decision shall be deemed a violation of this Zoning Resolution.
- d. The written decision of the BZA constitutes a final appealable order. Any party adversely affected by a decision of the BZA may appeal the decision to the Greene County Court of Common Pleas, pursuant to Chapter 2506 of the Ohio Revised Code.

#### B) **Stay**

The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Compliance Officer certifies to the BZA, after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order that may be granted by the BZA or by a court of record.

#### C) **Appeal Review Criteria – Zoning Compliance Officer’s Written Decision**

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) **Variance Review Criteria**

Variances are divided into two types. Area/dimensional variances are where an applicant requests a variance of a dimensional or quantitative standard in this Resolution (e.g. setbacks, height, landscaping requirements, etc.). Use variances are where an applicant requests that the BZA approve the use of a property, structure, or building that is not otherwise permitted in the applicable zoning district. Each type of variance is subject to different standards as established below.

##### 1) **Area/Dimensional Variance**

- a. The following factors shall be considered and weighed by the BZA to determine if a practical difficulty exists that would justify an area/dimensional variance:

## ARTICLE 3: DEVELOPMENT REVIEW PROCEDURES

### Section: 3.08 Appeals, Variances, and Conditional Uses

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- 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
  - 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. Decisions should take into consideration all applicable factors, however, not all factors may necessarily apply to a particular case. No single factor shall control.

#### 2) Use Variance

- a. 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 for the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:
  - i. 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;
  - ii. The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zoning district (e.g., a unique building exists on the site that cannot readily be reused for a permitted use);
  - iii. The variance requested cannot otherwise be resolved by a zoning map amendment;
  - iv. The hardship condition is not created by actions of the applicant;
  - v. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;

## ARTICLE 3: DEVELOPMENT REVIEW PROCEDURES

### Section: 3.08 Appeals, Variances, and Conditional Uses

- vi. The granting of the variance will not adversely affect the public health, safety or general welfare;
- vii. The variance will be consistent with the general spirit and intent of this Resolution; and
- viii. The variance sought is the minimum that will afford relief to the applicant.

#### E) Conditional Use Review Criteria

- 1) In order to approve conditional use, the BZA shall use the following review criteria:
  - a. The use is in fact a conditional use as established within the applicable zoning district;
  - b. The use will be harmonious with, and in accordance with, the purpose of this Resolution and consistent with the Sugarcreek Township Comprehensive Development Plan;
  - c. The use will conform to the general character of the neighborhood in which it will be located;
  - d. The use complies with all applicable provisions of this Resolution including any use-specific standards;
  - e. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and will not change the essential character of the same area;
  - f. Will not create excessive additional requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community;
  - g. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community; and
  - h. That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
- 2) The BZA may impose such conditions and restrictions upon the conditional use as the BZA may deem necessary to comply with the standards set forth in this article to reduce or minimize the impact of such use upon other property in the neighborhood and to further the purpose and intent of this Zoning Resolution.

# ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

## 4.01 Purpose

The purpose of this article is to establish zoning districts in order to:

- A) Realize the general purpose set forth in Article 1 (Purpose) of this Zoning Resolution;
- B) Classify, regulate and restrict the location of industries, residences, recreation, trades, and other land uses and the location of building designated for specified uses;
- C) Regulate and limit the percentages of lot areas which may be occupied;
- D) Establish building setback lines, sizes of yards, and other open spaces within and surrounding such buildings; and
- E) Regulate the density of population within Sugarcreek Township to the fullest extent allowed by law.

## 4.02 Establishment of Zoning Districts

A) The zoning districts listed in Table 4-1 are hereby established for Sugarcreek Township, Ohio:

Table 4-1: Zoning Districts	
District Designation	District Name
Base Zoning Districts	
A-1	Agricultural District
A-C	Agricultural Conservation
E	Rural Estate Residential District
R-1A	Suburban Residential-Low District
R-1B	Suburban Residential-Moderate District
O-1	Office District
B-1	Convenience Shopping District
B-2	General Business District
B-3	Highway Business District
I-I	Industrial District
Special Overlay Districts	
WO	Well Head Operation Overlay District (See Section 4.10)
WP	Well Field Protection Overlay District (See Section 4.10)
WPAC	Wilmington Pike Area Corridor Overlay District (See Section 4.11)
Planned Unit Development Districts	
PUD	Planned Development District (See Article 5)
R-PUCD	Residential Planned Unit Conservation Development District (See Article 6)

### B) Zoning District Purpose Statements

The following are the established purpose statements for the zoning districts in Sugarcreek Township as established in Table 4-1.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.02 Establishment of Zoning Districts

1) **“A-1” Agricultural District**

The purpose of the “A-1” Agricultural District is to protect land best suited for agricultural uses from the encroachment of other land uses and to preserve valuable agricultural land for agricultural uses and related activities. The purpose of the A-1 District is to recognize the long-range physical, social and economic needs of the agricultural community within Sugarcreek Township. Since agricultural pursuits provide a substantial economic base for the Township and many areas still exist which possess an existing agricultural character and prime agricultural soils, it is the intent of the district to maintain and protect such areas.

2) **“A-C” Agricultural Conservation District**

The purpose of the “A-C” Agricultural Conservation District is to provide for the protection of valuable agricultural resources and the rural character of Sugarcreek Township while still allowing for the development of single-family detached dwellings and their accessory uses through the development of conservation subdivisions.

3) **“E” Rural Estate Residential District**

The purpose of the “E” Rural Estate Residential District is to recognize the existence of and the demand for residential lots of a relatively rural and spacious nature on which agricultural activities may represent only a minor use by the occupants. This district is intended for application in outlying rural areas where urbanization and the extension or creation of central water supply and wastewater disposal systems are either not appropriate or not expected to occur for an extended period of time into the future.

4) **“R-1A” Suburban Residential-Low District**

The purpose of the “R-1A” Suburban Residential-Low District is to recognize the existence of and the demand for residential uses and related accessory uses at a gross density of 1.18 units per acre (lot sizes of 37,000 square feet). Public water supply and waste water disposal facilities shall be required for land placed in this district unless an alternative method is approved by the authorities having jurisdiction.

5) **“R-1B” Suburban Residential-Moderate District**

The purpose of the “R-1B” Suburban Residential-Moderate District is to provide for the establishment of residential dwellings and related accessory uses in a moderate density environment where public sewer and water utilities are available.

6) **“O-1” Office District**

The purpose of the “O-1” Office District is to encourage the establishment of areas for professional offices and services that are non-retail in nature. This district is intended to be used as a transitional use between residential districts and more intense commercial and industrial districts.

7) **“B-1” Neighborhood Business District**

The purpose of the “B-1” Neighborhood Business District is to encourage the development of a range of limited retail uses; personal, professional and business services, necessary to meet the needs of adjacent neighborhoods. The traffic impacts of these uses should be at a minimum so as not to affect the surrounding neighborhood uses.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.02 Establishment of Zoning Districts

8) **“B-2” General Business District**

The purpose of the “B-2” General Business District is to encourage the establishment of areas for retail businesses, personal and professional services, office and service businesses that meet the needs of a community market area. Activities in this district are often large space uses located along arterials, or major collectors with conveniently located off-street parking areas.

9) **“B-3” Highway Business District**

The intent of the “B-3” Highway Business District is to encourage the establishment of areas for highway oriented business uses. This district is specifically designed to service the motoring public. B-3 Highway Business Districts are generally associated with interchange areas along the interstate highways or at major arterial intersections.

10) **“I-1” Industrial District**

The purpose of the “I-1” Industrial District is to provide for appropriate areas within the Township for industrial uses, with limited objectionable external effects, in areas that are best suited for industrial and manufacturing development.

11) **“WO” Well Head Operation District and “WP” Well Field Protection Overlay District**

It is the purpose of the “WO” Well Head Operation District and the “WP” Well Field Protection Overlay District to safeguard the public health, safety and welfare of the customers of protected public water supplies and to protect the community's potable water supply against contamination by regulating land use and the storage, handling, use and/or production of regulated substances as defined in Article 12 (Definitions).

12) **“PUD” Planned Unit Development District**

- a. The “PUD” Planned Unit Development District is developed under the provisions of Section 519.021 of the Ohio Revised Code (Planned Unit Development Regulations) to promote the general public welfare, 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 while also promoting the public health, safety, and morals.
- b. Furthermore, the PUD District has been established for the purpose of conserving land through more efficient allocation of private lots, common grounds, residential and nonresidential uses, greater efficiency in providing public and utility services, and securing benefits from new techniques in community development.
- c. Within this article, residential uses are allowed within the PUD-MU Planned Multi-Use District and within the PUD-R Planned Residential District.
- d. The specific intent of the PUD-R Planned Residential District is to allow for orderly growth and development between Sugarcreek Township and adjacent incorporated areas, as well as in areas of Sugarcreek Township as identified in the Sugarcreek Township Long Range Land Use Plan for planned residential development, to foster innovative and creative development techniques that conform to the goals, objective and policies set forth in the Sugarcreek Township Long Range Land Use Plan.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.02 Establishment of Zoning Districts

#### 13) **“R-PUCD” Residential Planned Unit Development District**

- a. The R-PUCD is developed under the provisions of Section 519.021 of the Ohio Revised Code (Planned Unit Development Regulations) to promote the general public welfare, 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 while also promoting the public health, safety, and morals.
- b. Furthermore, the Residential Planned Unit Conservation Development District (R-PUCD) is intended to maintain and protect the rural, natural, and scenic qualities of Sugarcreek Township by providing for the ability to develop conservation subdivisions where at least 50% of a site is preserved as open space.
- c. This article meets these purposes by:
  - i. Preserving agricultural ground, woodlands, significant open space lands, and naturally and environmentally sensitive areas including, but not limited to, riparian corridors, sole source aquifers, unique geological features, and unique vegetation;
  - ii. Providing for suitable recreational areas, open space, and other common areas to the benefit of the public, while preserving the existing landscape to the greatest extent possible;
  - iii. Encouraging sound planning principles in the arrangement of buildings, the preservation of open space, the utilization of topography and other site features;
  - iv. Obtaining creative and coordinated designs in harmony with surrounding uses;
  - v. Balancing the development of various housing types to minimize the burden of such uses on the Township’s tax base;
  - vi. Encouraging the development of housing targeted toward active adults by providing density incentives for the creation of age-restricted housing and housing on smaller lots;
  - vii. Preventing further traffic congestion as a result of poor site planning;
  - viii. Preventing the flooding of additional lands within the Township due to inappropriate site location and configuration; and
  - ix. Allowing for creative development that conforms to the goals, objectives, and policies set forth in the Sugarcreek Township Comprehensive Development Plan.

#### 14) **Wilmington Pike Area Corridor Overlay District**

The purpose of the Wilmington Pike Corridor Overlay District (WPAC-OD) is to establish special design standards that are unique to the Wilmington Pike commercial corridor. The standards are created specifically to address the unique existing and desired physical and architectural characteristics that are inherent to this particular area in order to:

- a. Benefit the property owners within and adjacent to the district.
- b. Guide appropriate change that will enhance the character and sustainability of the business climate.
- c. Provide for the long-term sustainability of the business district and the character of the community.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.03 Relationship of Overlay Districts to Base Districts

- d. Promote redevelopment of the corridor in a coordinated manner.

#### 4.03 Relationship of Overlay Districts to Base Districts

- A) Where land is classified into an overlay zoning district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing the underlying base district. In the event of an express conflict between the standards of the overlay zoning district and the base district, the standards governing the overlay district shall control.
- B) In some instances, land may be classified into multiple overlay zoning districts as well as a base zoning district. In the event of an express conflict between the standards of the multiple overlay districts, the most restrictive standard shall apply.

#### 4.04 Official Zoning District Map

- A) The boundaries of the established zoning districts are indicated upon the “Zoning District Map of Sugarcreek Township, Greene County, Ohio”.
- B) The zoning district map, together with all explanatory notes dated thereon, including all changes as hereinafter provided, shall be incorporated and made a part of this Resolution.
- C) The official zoning district map shall be identified by the signature of the Board of Township Trustees, attested by the Township fiscal officer.
- D) The original and one copy of the official map are to be maintained and kept up to date; one copy shall be on public display in the Township offices, and the original in the fiscal officer’s official records; both are accessible to the public and shall be the final authority as to the current zoning status of lands, buildings, and other structures in the Township. Additional copies of the current zoning map and Zoning Resolution shall be filed with the Greene County Regional Planning and Coordinating Commission and the Greene County Recorder.
- E) Nothing in this article shall be construed to require the actual location of any 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.

#### 4.05 Interpretation of District Boundaries

- A) The district boundary lines of the zoning district map are intended to follow either streets, alleys, or lot lines; and where the districts designated in the map are bounded approximately by such street, alley or lot lines, the street, alley or lot shall be construed to be the boundary of the district, unless such boundary is otherwise indicated on the map
- B) Where uncertainty exists with respect to the boundaries of the various zoning districts as shown on the zoning district map, the following rules shall apply:
  - 1) Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits.
  - 2) Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
  - 3) Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.

**ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS**

Section: 4.06 Vacation of Public Ways

- 4) Boundaries indicated as parallel to or extensions of features indicated above shall be so construed. The scale of the map shall determine distances not specifically indicated on the zoning district map.
- 5) Where physical or manmade features existing on the ground are at variance with those shown on the zoning district map, or in other circumstances not covered by this section, the BZA shall be responsible for interpreting the district boundaries.

**4.06 Vacation of Public Ways**

Whenever any street, alley, or other public way is vacated by official action of the Greene County Board of County Commissioners, the zoning district that applied to the street, alley, or other public way at the centerline shall apply. If no zoning district applied to the street, alley, or other public way at the time of vacation, the property owner, BZC, or the Board of Township Trustees shall submit an application to amend the zoning map pursuant to Section 3.06 (Zoning Text and Map Amendments).

**4.07 References to Previous Zoning Districts**

Some of the district classification and names established within this Resolution differs from previous versions of this Resolution. In instances where there may be references to the previous zoning district nomenclature, Table 4-2 (Zoning District References) identifies how each of the previous district classifications was renamed for this Resolution. This section shall only be used for comparison purposes.

**Table 4-2: Zoning District References**

Zoning District Names and Abbreviations Before <>		Zoning District Names and Abbreviations After <>	
A-1	Agricultural District	A-1	Agricultural District
A-2	Agricultural District	A-1	Agricultural District
R-1AA	One Family Rural Residential District	A-1	Agricultural District
<b>No Equivalent District</b>		A-C	Agricultural Conservation
E	One Family Rural Residential Estate District	E	Rural Estate Residential District
R-1A	One Family Residential District	R-1A	Suburban Residential-Low District
R-1B	One Family Residential District	R-1B	Suburban Residential-Moderate District
O-1	Office Building District	O-1	Office District
B-1	Convenience Shopping District	B-1	Convenience Shopping District
B-2	Neighborhood Business District	B-2	General Business District
B-3	Highway Business District	B-3	Highway Business District
I-I	Industrial District	I-I	Industrial District
LMR-O	Little Miami River Overlay District	<b>District Eliminated</b>	
WO	Well Head Operation Overlay District	WO	Well Head Operation Overlay District
WP	Well Field Protection Overlay District	WP	Well Field Protection Overlay District
PD	Planned Development District	PUD	Planned Development District
R-POD	Residential Planned Overlay Development District	R-PUCD	Residential Planned Unit Conservation Development District
F-1	Flood Plain Overlay	<b>District Eliminated</b>	

**ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS**

Section: 4.08 Principally Permitted Use Table

**4.08 Principally Permitted Use Table**

Table 4-3 sets forth the principally permitted uses within the base zoning districts. The abbreviations used in the table are described below. Permitted uses within overlay districts, planned unit development districts, and R-PUD Districts are identified in Section 4.10 (Well Head Operation District and Well Field Protection Overlay District), Article 5 (Planned Unit Development District) and Article 6 (Residential Planned Unit Development District).

**A) Permitted By-Right Uses**

A “P” in a cell indicates that a use category is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this Resolution.

**B) Permitted Uses with Use-Specific Standards**

- 1) A “P\*” in a cell indicates that a use category is allowed by-right in the respective zoning district if it meets the additional use-specific standards set forth in the numerically referenced sections. Permitted uses with use-specific standards are subject to all other applicable regulations of this Resolution
- 2) Uses permitted with use-specific standards under this category are approved by the Zoning Compliance Officer through the Zoning certificate review procedure (See Section 3.05 (Zoning certificate)).

**C) Conditional Uses**

A “C” in a cell indicates that a use category is allowed only if reviewed and approved as a conditional use by the BZA in accordance with Section 3.07 (Appeals, Variances, and Conditional Uses). Conditional uses are subject to all other applicable regulations of this Resolution.

**D) Prohibited Uses**

A blank cell indicates that a use is prohibited in the respective zoning district. Additionally, uses not listed in the permitted use table are prohibited unless considered a similar use pursuant to Subsection 4.08 (F).

**E) 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

<b>Table 4.3: Permitted Use Table</b>											
Use	Zoning Districts										Use-Specific Standards
	A-1	A-C	E	R-1A	R-1B	O-1	B-1	B-2	B-3	I-1	
<b>Agricultural Uses</b>											
Agriculture	P	P	P	P	P	P	P	P	P	P	
Agritourism	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 4.16
<b>Residential Uses</b>											

**ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS**

Section: 4.08 Principally Permitted Use Table

**Table 4.3: Permitted Use Table**

Use	Zoning Districts										Use-Specific Standards
	A-1	A-C	E	R-1A	R-1B	O-1	B-1	B-2	B-3	I-1	
Adult Family Home or Small Residential Facility	P	P	P	P	P						
Dwelling, Single-Family Detached	P	P	P	P	P						
Institutional Housing						C	C	P			
Residential Conservation Subdivision		P*									Sec. 4.12
Business Uses											
Adult Entertainment Establishment									P	P	Sec. 4.09 (A)
Animal Hospital, Veterinary Clinic, or Kennel						C	P	P	P	P	
Automotive Body Repair									C	P	
Automotive Fuel Sales								P	P		
Automotive Sales or Rental								P	P	C	
Automotive Service and Repair								C	P	P	
Automotive Washing Facility							P	P	P		
Bar or Tavern							C	P	P		
Bed and Breakfast Establishment	C	C	C	C	C	C	P				
Club						P	P	P	P	P	
Commercial Entertainment Use								P	P	P	
Commercial Greenhouse										P	
Commercial Recreation								P	P		
Conference Center or Assembly Hall						C		P	P		
Contractor and Building Supplies									P	C	
Country Clubs and Golf Courses	C							P*	P*		Sec. 4.09 (C)
Day Care Center	C	C	C	C	C	P	P	P	P	C	
Drive-Through Facility						C	C	P	P		
Farm Implement and Equipment Sales and Service										P	
Farm Supply Sales										P	
Financial Institution						P	P	P	P		
Funeral Home								P	P		
Hospital								P	P		
Hotel or Motel								P	P		
Light Industrial Use										P	
Medical and Dental Clinic						P	P	P	P		

**ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS**

Section: 4.08 Principally Permitted Use Table

**Table 4.3: Permitted Use Table**

Use	Zoning Districts										Use-Specific Standards
	A-1	A-C	E	R-1A	R-1B	O-1	B-1	B-2	B-3	I-1	
Mixed Uses							C	P	P	C	
Onsite Physician Led Healing and Wellness Center	C										Sec. 4.09 (D)
Outdoor Storage Facility										P	
Personal Services						P	P	P	P		
Professional and Business Office						P	P	P	P	P	
Research and Development Facility							C	P	P	P	
Restaurant						P	P	P	P		
Restaurant, Fast-Food						C	C	P	P		
Retail Commercial Use							P	P	P		
Service Commercial Use						P	P	P	P	C	
Type-B Family Day Care Homes	P	P	P	P	P						
Warehousing and Storage										P	
Wireless Telecommunication Facility in a Nonresidential Zoning District						P	P	P	P	P	
Wireless Telecommunication Facility in a Residential Zoning District	C	C	C	C	C						Sec. 4.09 (B)
Wholesale Distribution Facility										P	
<b>Public and Institutional Uses</b>											
Active Parks and Recreation	C	C	C	C	C	C	C	C	C	C	
Cemetery	C	C	C	C	C	P	P	P	P	P	
Educational Facility	C	C	C	C	C	C	C	C	C	C	
Educational Facility, Higher						C	C	C	C	C	
Museum	C	C	C	C	C	C	P	P	P	C	
Noncommercial Recreational Facility	C	C	C	C	C	C	C	C	C	C	
Passive Park, Recreation, and Open Space	P	P	P	P	P	P	P	P	P	P	
Public and Government Buildings and Use	C	C	C	C	C	P	P	P	P	P	
Religious Place of Worship	C	C	C	C	C	P	P	P	P	P	
<b>Miscellaneous Uses</b>											
Signs	See Article 8 (Signage)										
Accessory Uses and Structures	See Section 4.14										

**ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS**

Section: 4.09 Use-Specific Regulations

**Table 4.3: Permitted Use Table**

Use	Zoning Districts										Use-Specific Standards
	A-1	A-C	E	R-1A	R-1B	O-1	B-1	B-2	B-3	I-1	
Home Occupations	See Section 4.14										
Temporary Uses and Structures	See Section 4.14										
Nonconformities	See Section 4.15										
Fences, Walls, and Entry Gates	See Section 7.04										

**F) Similar Use Provision**

- 1) Where there is a proposed use that is not currently listed in the use tables of this Resolution, the BZA may review the use to determine the appropriate zoning districts, if any, where the use may be permitted.
- 2) The BZA should consider the nature, operation, and function of the use in its determination of an appropriate district.
- 3) The BZA may find that the use is not compatible with any existing zoning district and not permit the use under the current Resolution or, as an alternative, the BZA may request that a new district or new provisions be adopted, through the zoning text and map amendment procedure, pursuant to Section 3.06 (Zoning Text and Map Amendments).

**4.09 Use-Specific Regulations**

**A) Adult Entertainment Establishments**

1) **Prohibited Public Display**

No advertisements, displays or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas. Such prohibition shall not apply to signage that is permitted in accordance with Article 8 (Signage).

2) **Public View to be Prevented**

All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

3) **External Audio and Visual Impact:**

No screens, loudspeakers or sound equipment shall be used for motion picture theaters (indoors or outdoors) that can be seen or discerned by the public from public or semi-public areas. All sound shall be limited to the interior of the building.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.09 Use-Specific Regulations

- 
- 4) **Minimum Setback Requirements**
- a. Adult entertainment establishments shall be set back a minimum of 1,000 feet of the following:
    - i. Any school, library, or teaching facility, whether public or private, governmental or commercial;
    - ii. Any park or recreational facility;
    - iii. Any religious place of worship;
    - iv. Any day care center; and
    - v. Any other adult entertainment establishment.
  - b. Adult entertainment establishments shall be set back a minimum of 250 feet from any residential zoning district.
  - c. Setbacks shall be measured from the lot line of the lot where the adult entertainment establishment is located to the nearest lot line of the lot from which the setback is required.

#### B) **Wireless Telecommunication Facilities**

1) **Purpose**

The purpose of this article is to regulate the placement, construction, and modification of wireless telecommunication facilities and their support structures in order to protect the public health, safety, welfare, and morals, while at the same time not unreasonably interfering with the competitiveness in the wireless telecommunications industry in the Miami Valley Region.

2) **Applicability**

This Section 4.09 (C) shall only apply to the review of wireless telecommunication facilities in an area zoned for residential use pursuant to Section 519.211 of the Ohio Revised Code.

3) **Procedure for Wireless Telecommunication Facilities in Residential Zoning Districts**

- a. Any person who plans to construct a wireless telecommunications tower in an area zoned for residential use shall provide both of the following by certified mail:
  - i. Written notice to 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 on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
    - (a) The person's intent to construct the tower;
    - (b) A description of the property sufficient to identify the proposed location; and
    - (c) The property owner has a maximum of 15 days after the date of the mailing to give written notice to the Board of Township Trustees requesting that the BZA review the telecommunications tower pursuant to the authority granted by Sections 519.02 to 519.25 of the Ohio Revised Code as they apply to the proposed location of the tower.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.09 Use-Specific Regulations

If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.

- ii. Written notice to the Board of Township Trustees of the information specified in Paragraph (i) above. The notice to the Board also shall include verification that the person has complied with the notification requirements of this section.

#### b. Responses to Notification

- i. If the Board of Township Trustees receives notice from a property owner in response to Paragraph (a) of this section within the time specified in that division 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 Paragraph (a) of this section, the Board shall request that the Township fiscal officer send the person proposing to construct the facility written notice that the tower is subject to the power conferred by and in accordance with ORC. The notice shall be sent no later than five days after the earlier of the date the Board first receives such a notice from a property owner or the date upon which a Board 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 facility.
  - ii. If the Board of Township Trustees receives no notice under Paragraph (a) of this section within the time prescribed by that division or no Board member has an objection as provided under Paragraph (a) of this section within the time prescribed by that division, the tower shall be permitted as-of-right pursuant to the applicable sections of this Resolution.
- c. The BZA shall review the application for a wireless telecommunication facility as a conditional use where such review is requested by a notified property owner or the Board of Township Trustees pursuant to Section 3.07 (Appeals, Variances, and Conditional Uses).
- d. The BZA shall approve a telecommunications tower as a conditional use if the BZA finds that the applicant has satisfied all of the following standards:
- i. The proposed site meets the minimum site development standards for the applicable zoning district.
  - ii. The maximum height of the tower shall be 200 feet.
  - iii. The lot on which the tower is to be located shall be owned or leased by the wireless telecommunications tower company, and the parcel shall be of sufficient size to allow the minimum setback from this parcel's lot line to the base of the wireless telecommunication tower. The minimum setback shall be a 1:1.1 ratio (for every foot in tower height there shall be 1.1 feet of distance from the tower base to the nearest lot line and/or closest unrelated structure). The equipment shelter shall comply with minimum setback requirements for the established zoning district. New structures not related to the wireless telecommunication facility cannot be added within the area of the tower's parcel. If the parcel on which the tower is located has road frontage, the tower must be located 300 feet from the right-of-way.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.09 Use-Specific Regulations

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- iv. The application shall comply with the general standards for a conditional use as established in Subsection 3.07 (Appeals, Variances, and Conditional Uses);
  - v. Proof shall be provided by the applicant in a form satisfactory to the BZA that the proposal has been approved by all agencies and governmental entities with jurisdiction, including but not limited to the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communication Commission, or the successors to their respective functions.
  - vi. In order to minimize tower proliferation, the applicant shall provide documentation regarding efforts to exhaust all possible avenues to share space on existing towers. This shall include, but not be limited to, a certified mail announcement to all other tower users in the vicinity stating siting needs and/or sharing capabilities. Applicants shall not be denied, nor shall they deny space on a tower, unless available space, structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, comparative costs of co-location versus new construction and any Federal Communications Commission limitations on tower sharing preclude co-location
  - vii. The Sugarcreek Township BZA shall require a bond to cover tower removal and full site restoration after discontinued use.
  - viii. The applicant shall demonstrate that the proposed tower is the least aesthetically intrusive facility for the neighborhood and function. Monopole installations are recommended.
  - ix. No wireless telecommunication facility shall be located within a "wetland" as defined by federal law.
  - x. A wireless telecommunication facility shall not be located upon a property listed on a federal, state, or local historic register, or be mounted on a building or structure listed on a federal, state, or local historic register.
  - xi. A balloon test, if requested by the BZA, shall be conducted at the height of the application request. Photographs shall be taken up to one-half mile away from the site from a minimum of four opposing directions.
  - xii. No advertising sign(s) shall be permitted anywhere on a wireless telecommunication tower, equipment building, and appurtenances or on the site.
  - xiii. There shall be no outdoor storage of equipment or other items on the site except during the facility construction period or to supply emergency power to the facility only during a power outage.
  - xiv. The owner/operator of the wireless telecommunication facility shall, by January 15th of every year from the date of issuance of the Zoning certificate, file a declaration with the Zoning Compliance Officer, including verification that the radio frequency (electromagnetic) emissions are in compliance with the current Federal Communications Commission (FCC) regulations. The appropriate fee(s) will be included to permit the continuing operation of every facility, which is subject to these regulations.
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## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.09 Use-Specific Regulations

- xv. The maximum cumulative total size of all equipment buildings accessory to a wireless telecommunication tower or antenna on a parcel shall be 800 square feet. All wireless telecommunication equipment shelters shall be configured to appear as one building on any one parcel.
  - xvi. The applicant shall demonstrate to the Township that it is licensed by the Federal Communications Commission (FCC), and shall notify Sugarcreek Township of any special conditions conveyed by the license.
  - xvii. One fence, in accordance with Section 7.04 (Fences, Walls, and Entry Gates), and not less than six feet in height, shall fully enclose all parts of the facility, including but not limited to, the base of the tower, guy wires, base of guy wires, and building. Gates shall be locked at all times when the facility is unattended by an agent of the wireless telecommunication provider.
  - xviii. A landscaped buffer area, in accordance with Article 10 (Landscaping and Buffering), of not less than 15 feet in depth shall be placed between the fence surrounding the wireless telecommunication facilities and the public right-of-way and any adjacent properties with a direct view of the facilities, other than the tower itself. The 15 feet landscaped buffer shall be of hardy evergreen shrubbery not less than six feet in height and of a density to obstruct the view. The landscaping shall be continuously maintained and promptly restored, if necessary.
- e. The applicant (or its successors) shall, within 30 days of ceasing operation at the site of a telecommunication tower, give notice of such ceasing of operation to the BZA. Facilities shall be removed from the site within 12 months of ceasing operations.

#### 4) **Permitted Accessory Uses Associated with Wireless Telecommunication Facilities**

An antenna for a wireless telecommunication facility may be attached to an existing residential building two and one-half (2 1/2) stories in height or to an existing nonresidential structure, excluding residential accessory structures, subject to the following conditions:

- a. The antenna shall not extend more than 10 feet above the roof of the existing building or top of the existing structure.
- b. If the applicant proposes to locate the wireless telecommunications equipment in a separate wireless telecommunications equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district.
- c. Vehicular access to the equipment shelter shall be via the existing road circulation system and subject to Article 9 (Parking, Loading, and Circulation).

#### C) **Country Clubs and Golf Courses**

- 1) Country clubs and golf courses shall have direct ingress and egress from an arterial or collector street, as defined in the Greene County Thoroughfare Plan.
- 2) Buffers shall be provided in accordance with Section 10.
- 3) All structures and commercial pools shall be set back a minimum of 200 feet from any abutting residential lot line, residential district, or recorded subdivision. Areas devoted to the golf course, including tee areas and greens shall not be subject to this setback.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

Section: 4.10 “WO” Well Head Operation District and “WP” Well Field Protection Overlay District

### D) Onsite Physician Led Healing and Wellness Centers

- 1) Onsite Physician Led Healing and Wellness Centers shall be subject to a 100’ structure setback from all property lines.
- 2) No overnight accommodations are permitted except that the owner (with or without his/her family) may reside on site.
- 3) One non-illuminated sign with a maximum sign area of 6 SF and a maximum height of 4’ is permitted in conjunction with an approved Onsite Physician Led Healing and Wellness Center.
- 4) Maximum principal structure floor area shall not exceed 5,000 SF.
- 5) Employees shall be limited to a total of 5 providing services onsite at any one time.
- 6) Construction of any new principal structure shall not be of a commercial character or design.

## 4.10 “WO” Well Head Operation District and “WP” Well Field Protection Overlay District

### A) Determination of Applicability

#### 1) Responsibility

It shall be the responsibility of any person owning real property and/or owning or operating a business within Sugarcreek Township to make a determination of the applicability of this article as it pertains to the property and/or business and failure to do so shall not excuse any violations of this article or Zoning Resolution.

### B) “WO” Well Head Operation District

- 1) The provisions of this section shall be applicable to all lands shown as being located within the boundaries of the “WO” Well Head Overlay District on the Sugarcreek Township Zoning Map and shall be supplemental to the regulations of the underlying zoning district. Where the requirements of this section are in conflict with the regulations of the underlying district, the more restrictive regulations shall apply.
- 2) Permitted Principal Uses
  - a. Municipal water supply, water treatment, and operation facilities in accordance with the City of Bellbrook's plans for water supply and treatment.
  - b. Public parks, playgrounds and community centers.
- 3) Groundwater Protection Standards
  - a. Use of regulated substances in conjunction with public water supply and treatment activities shall not be restricted by this paragraph.
  - b. Use of regulated substances in conjunction with public parks, playgrounds and community centers shall be in accordance with the City of Bellbrook's management plan for maintenance of sensitive areas.
  - c. Use of regulated substances in conjunction with conditional uses in this district shall be limited to:
    - i. The aggregate of regulated substances in use may not exceed 20 gallons or 160 pounds at any time.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

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- ii. The total use of regulated substances may not exceed 50 gallons or 400 pounds in any 12-month period.
  - d. Storage of regulated substances in conjunction with public water supply treatment activities shall not be restricted by this paragraph.
  - e. Underground storage of fuel and lubricants for vehicle operations in conjunction with permitted and conditional uses in this district shall be in tanks placed above the floor surface of a below grade vault. Said vault shall allow access for physical inspection of the tank for leakage and the interior of the vault shall be continuously monitored and alarmed to provide for automatic and immediate detection of any release from the tank.
  - f. Notwithstanding other provisions of this article, nonconforming uses in this district presently utilizing underground storage tanks for fuel and lubricants for vehicle operations shall be permitted to replace existing tanks with those constructed as per the specifications of Subsection 4.10 (B)(2)(e) and not exceeding the capacity of existing tanks. Replacement of underground tanks for regulated substances other than fuel and lubricants for vehicle operations is not permitted.
- C) “WP” Well Field Protection Overlay District**
- 1) The provisions of this section shall be applicable to all lands shown as being located within the boundaries of the “WP” Well Field Protection Overlay District on the Sugarcreek Township Zoning Map and shall be supplemental to the regulations of the underlying zoning district. Where the requirements of this section are in conflict with the regulations of the underlying district, the more restrictive regulations shall apply.
  - 2) The principal, conditional, and accessory permitted uses within the “WP” Well Field Protection Overlay District shall be those of the underlying zoning district with the exception of the following uses which shall be prohibited:
    - a. Disposal of solid waste;
    - b. Disposal of hazardous waste;
    - c. Storage of road salt or other deicing chemicals and the dumping of snow containing deicing chemicals;
    - d. The outside storage of herbicides, pesticides, fertilizers or fungicides;
    - e. Dry cleaning and commercial laundry establishments;
    - f. Industrial uses which discharge processes waters onsite;
    - g. Chemical bacteriological laboratories;
    - h. Metal polishing, finishing, and plating establishments, which includes auto body repair establishments;
    - i. Commercial wood finishing, preserving, painting and furniture stripping establishments;
    - j. Commercial printing, photo copying and photographic processing establishments;

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

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- k. Motor vehicle service and repair shops, junkyards, motor vehicle junkyards, motor vehicle salvage operations, car washes as well as any similar use, which might potentially effect ground water quality. Motor vehicle service and repair establishments include auto body repair and painting, quick lube stations, any establishment which performs mechanical repairs such as transmission, drive train, engine, brakes, or mufflers. These restrictions also apply to commercial/industrial equipment, earth moving equipment, tractors, motorcycles, and airplanes;
  - l. Trucking and bus terminals;
  - m. Machine shops or foundries;
  - n. Leather tanning and finishing;
  - o. Electrical component manufacturing or assembly;
  - p. New installation of underground storage tanks of liquid petroleum and/or chemical products of any kind;
  - q. Storage of liquid petroleum products of any kind in excess of 15 gallons except for storage in a free standing container within a building, or fuel for heating of that building (fuel tanks of parked vehicles are not included in this section);
  - r. Storage of petroleum and/or any other regulated substances in underground storage tanks; and
  - s. Any other use which involves, as principle activity, the manufacture, storage, use, transportation, or disposal of toxic or hazardous material.
- 3) When listed as a permitted or conditional use within the underlying zoning district, the excavation, extraction, mining or processing of sand, gravel and limestone from the earth for resale shall remain as conditional uses in the "WP" Well Field Protection Overlay District subject to Board of zoning appeals approval of an excavation and facilities plan that includes, but is not limited to:
- a. Plain characteristics where applicable.
  - b. The proposed extent and depth of excavations.
  - c. Slope angle of excavation walls (any final slopes shall be at the angle of repose for the remaining material).
  - d. Use and disposition of the spoil and/or overburden materials from the excavations including a landscaping and vegetation plan to stabilize any disturbed material.
  - e. Surface drainage plan:
    - i. Drainage into on-site excavations from proximate off-site transportation facilities such as roadways and roadbeds and off-site watercourses is prohibited unless the applicant provides a plan which otherwise protects the excavations from off-site waterborne regulated substances.
    - ii. The final on-site grading shall minimize all surface drainage into the excavations.
  - f. A post-excavation and operation land use plan.
  - g. A security plan (unauthorized access shall be strictly prohibited as long as any excavations remain on site).

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.10 "WO" Well Head Operation District and "WP" Well Field Protection Overlay District

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- 4) Any business, facility, or structure within the WP District which is established prior to the date on which this Resolution takes effect which is a prohibited use under Subsection 4.10(C)(2) shall be identified as a nonconforming use. Nonconforming uses are allowed to conduct business, but shall be subject to the following guidelines:
    - a. If a non-conforming use wishes to upgrade and/or expand its operation, it may be granted a variance by the BZA if said facility or business can demonstrate an overall reduction of risk to the aquifer and/or Wellfield, through a pollution prevention program instituted by the facility.
    - b. When a non-conforming use closes for a period of time greater than two years, it will lose its non-conforming status. No new or similar nonconforming facility may open at the site.
  - 5) **Spills, Leaks, or Discharges**
    - a. Any person with direct knowledge of a spill, leak or discharge of a regulated substance within the "WP" Well Field Protection Overlay District shall, if such spill, leak or discharge escapes containment or contacts a non-impervious ground surface and is not immediately and completely remedied, give notice to the Zoning Compliance Officer, the Public Works Director of the City of Bellbrook or the operator on duty at the affected or potentially affected water treatment facility by telephone within 30 minutes. The notification shall include at a minimum, the location of the incident, name and telephone number, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, state, and federal reporting obligations as required by law.
    - b. The application of agricultural chemicals, fertilizers, mineral acids, organic sulphur compounds, etc. used in routine agricultural operations, including plant nutrients and crop protection materials, applied under Best Management Practices as indicated by soil tests, agricultural experts, or label directions approved by the United States EPA or the Ohio Department of Agriculture, shall not be considered a spill, leak, or discharge subject to the reporting provisions of this paragraph.
  - 6) Any entity or person who spills, leaks or discharges said substance(s) shall be liable for any reasonable expense, loss or damages incurred by Sugarcreek Township in response to such an incident, in addition to the amount of any fines imposed on account thereof under state and federal law; said entity or person shall document and maintain sufficient records so as to reflect accurately the circumstances related to any such incident and develop and implement procedures to substantially eliminate the likelihood of reoccurrence of such spills, leaks or discharges as soon as practicable following the incident, but no later than 180 days after the incident.
  - 7) Unless regulated by the Ohio Fire Marshall, Bureau of Underground Storage Tank Regulation (BUSTR), and with the exception of residential use of heating fuels in tanks having a capacity equal to or less than 500 gallons, the underground storage of fuel and lubricants for vehicle operations and fuel for building and/or process heating in conjunction with permitted and conditional uses in this district shall be in tanks secondarily contained and monitored. Such installations shall be subject to approval by the Zoning Compliance Officer or his designee.
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## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.11 Wilmington Pike Area Corridor Overlay District

- 8) Notwithstanding other provisions of this article, nonconforming uses in this district presently utilizing underground storage tanks for fuel and lubricants for vehicle operations and fuel for building and/or process heating shall be permitted to replace existing tanks with those constructed as per the specifications of Subsection 4.10 (C)(7) and not exceeding the capacity of existing tanks. Replacement of underground tanks for regulated substances other than the above noted fuels and lubricants are not permitted.
- 9) **Penalties for Violations**  
A violation of the provision of this section shall constitute a violation of this Resolution subject to the provisions of Article 11 (Enforcement and Penalties).

#### 4.11 Wilmington Pike Area Corridor Overlay District

- A) The provisions of this section shall be applicable to all lands shown as being located within the boundaries of the “WPAC” Wilmington Pike Area Corridor Overlay District on the Sugarcreek Township Zoning Map and shall be supplemental to the regulations of the underlying zoning district. Where the requirements of this section are in conflict with the regulations of the underlying district, the more restrictive regulations shall apply.
- B) **Applicability**  
The requirements of this section shall apply to the following:
  - 1) The construction of a new building.
  - 2) For a structural alteration or addition to an existing building except that interior remodeling (including tenant finishes and changes of use) and exterior maintenance work and repairs (roof repair/replacement, painting, etc.) shall be exempt from the requirements of this Section.
- C) **Uses and development**  
The principal, conditional, and accessory permitted uses within the “WPAC” Wilmington Pike Area Corridor Overlay District shall be those of the underlying zoning district with the exception of the following uses which shall be prohibited:
  - 1) Automotive Body Repair
  - 2) Automotive Sales or Rental
  - 3) Automotive Service and Repair
  - 4) Automotive Washing Facility
  - 5) Club
  - 6) Country Clubs and Golf Courses
  - 7) Cemetery
- D) The minimum lot area and height requirement shall be as established in the underlying zoning district.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.11 Wilmington Pike Area Corridor Overlay District

#### E) **Building Materials**

It is recommended that a minimum of 50% of all facades (excluding windows and doors in the calculation of facade areas) contain brick and/or natural style stone. Additional brick and/or stone may be required for facades that are highly visible from a public right-of-way for building less than 20,000 square feet. For buildings less than 5,000 square feet, it is recommended that a minimum of 80% of all facades (excluding windows and doors in the calculation of facade areas) contain brick and/or natural stone. Smooth face concrete block should be avoided.

#### F) **Exterior Colors**

Building colors are recommended to consist of natural tones. The use of bright, high chroma shades as dominant building colors or features of a building shall be prohibited. The Zoning Commission will review colors on a case-by-case basis, if determined by the Zoning Compliance Officer that conformance with this section is questionable, upon a determination that the proposed color scheme:

- 1) Substantially meets the overall intent of the overlay district guidelines;
- 2) Does not create visual inconsistencies with surrounding areas or structures; and
- 3) Will enhance the character and business climate of the area.

#### G) **Franchise Architecture**

No building or addition constructed in the overlay district shall be designed or modeled after franchise or formula-based architecture, unless the Zoning Commission determines that the franchise architecture is consistent with the intent of the district based on a determination that the proposed building:

- 1) Substantially meets the overall intent of the overlay district architectural guidelines;
- 2) Does not create visual inconsistencies with surrounding areas or structures in relation to the colors and materials; and
- 3) Will enhance the character and business climate of the area.

Franchise buildings may utilize corporate logos on permitted building signage.

#### H) **Windows**

All elevations visible from road rights-of-way shall include window openings (which may include false windows, or window-like interruptions) at regular intervals. See Figure 4.11-1.



Figure 4.11-1: Example of a building with window openings at regular intervals.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.11 Wilmington Pike Area Corridor Overlay District

#### I) Truck Docks

All truck docks shall be located so as to not be visible from any public right-of-way or residential district; however, if all nearby visible properties are zoned for a commercial use, or planned for a commercial use by the Sugarcreek Township Long Range Land Use Plan, the truck docks may be visible from such properties. If the truck dock is unable to be located per the requirements above, then screening shall be provided to achieve at least 100% opacity up to 10 feet in height (from average grade, excluding truck dock ramp below grade). Screening elements shall include walls (same material and colors as the principal structure), landscaping, mounds or any combination thereof. See Figure

#### J) Service Doors and Overhead Doors

Service doors greater than six (6) feet by eight (8) feet in size or overhead retractable doors used in conjunction with a commercial use shall not be visible from any residentially zoned property; however, if all nearby visible properties are zoned for a commercial use, or planned for a commercial use by the Sugarcreek Township Long Range Land Use Plan, the service doors may be visible from such properties. Screening shall be provided to achieve at least 50% opacity up to six (6) feet in height if the door is unable to be located per the requirements above. Screening elements shall include walls (same material and color as the principal structure), landscaping, mounds or any combination thereof.

#### K) Dumpster / Trash Containers

- 1) Dumpsters and trash containers shall be subject to the requirements of Section 10.07 D. (Screening Requirements).
- 2) Dumpsters and trash containers shall be located in the side or rear yard, unless otherwise approved by the Zoning Commission. See Figure 4.11-2.

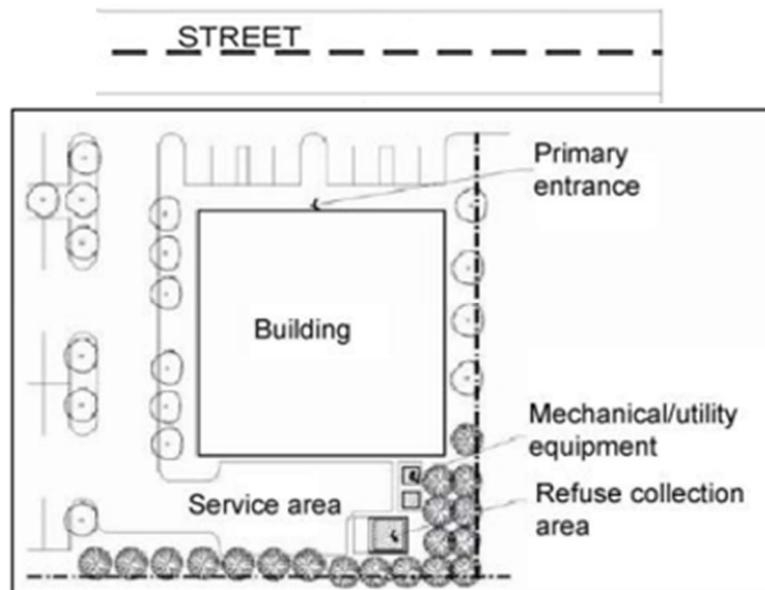


Figure 4.11-2: Example of screening of truck docks (part of the service area) and dumpsters or other refuse collection areas through the use of increased landscaping and location of such areas to the rear of the structure.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.11 Wilmington Pike Area Corridor Overlay District

#### L) Mechanical Equipment

- 1) Wall mounted mechanical, electrical, communication equipment, downspouts, gutters, service doors, and other building-mounted utility fixtures, shall be painted and maintained to match the building and screened from view.
- 2) Mechanical equipment such as transformers or HVAC shall not be located in front yards.
- 3) All mechanical equipment, including ground-mounted and roof-mounted equipment, shall be screened from view from adjacent public and private rights-of-way, as well as from all property zoned for residential purposes.
- 4) Screening elements shall include walls (same material and color as the principal structure), landscaping, mounds, parapets or enclosures constructed of the same materials used on the majority of the principal structure.
- 5) The screening elements shall be maintained in good condition at all times.
- 6) The screening of mechanical equipment will be reviewed on a case-by-case basis based upon the following determinations:
  - a. Site location relative to all adjacent properties and public rights-of-way;
  - b. Topography of the subject site relative to all adjacent properties and public rights-of-way;
  - c. Whether the subject screening creates visual inconsistencies with surrounding areas; and
  - d. Whether the screening substantially meets the overall intent of these overlay district architectural guidelines.

#### M) Landscaping Standards

In addition to the requirements of Article 10 (Landscaping and Buffering), the following standards shall apply.

- 1) Parking Area Landscaping

Evenly spaced plantings, mounding, or any combination thereof, shall be utilized to screen parking areas from the glare of car headlights around the entire perimeter of all parking lots. Such landscaping shall achieve a year round opacity of 60% to a height of three (3) or more feet.
- 2) Street Trees
  - a. The area of front yard setback, outside the public right-of-way, shall be landscaped with street trees.
  - b. Street trees shall meet the minimum requirements of Section 10.08 D. 2.
  - c. Street trees shall be equally placed.
  - d. Street trees shall be planted at a minimum rate of one tree per 40 feet of frontage.
  - e. A minimum of one street tree shall be required per parcel.
  - f. Tree location shall be coordinated with adjacent parcels to achieve even spacing throughout the corridor.

**ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS**

Section: 4.11 Wilmington Pike Area Corridor Overlay District

- g. Detention and storm water management facilities shall be finished mowed and landscaped. All retention facilities shall include a water feature, or other approved method to preserve the quality of water and aesthetic appearance. The slope of the detention basin shall not exceed 3:1. Retaining walls may be used when required and shall be of approved materials determined by the Zoning Compliance Officer.
- h. All other requirements of Article 10 Landscaping and Buffering shall apply.

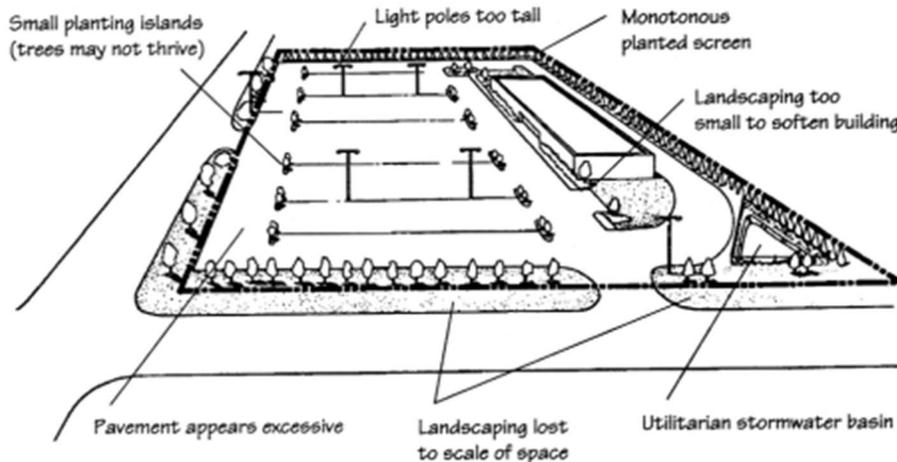


Figure 4.11-3: Example of a conventional landscaping plan.

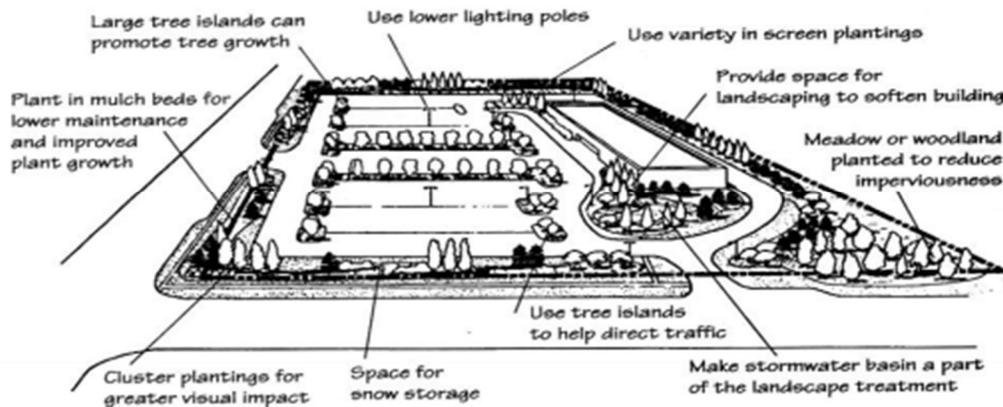


Figure 4.11-4: Example of a landscaping plan that complies with the overlay district landscaping requirements.

**ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS**

Section: 4.11 Wilmington Pike Area Corridor Overlay District

**N) Sign Regulations**

- 1) Wall signs shall be permitted as per the underlying district.
- 2) Ground signs shall be permitted as per the underlying district with the additional requirement that all ground signs in the corridor shall consist of a two foot base constructed of brick or stone (consistent with the building materials of the principal structure).
- 3) Menu boards and premenu boards shall not be located in a front yard adjacent to a public right-of-way.

**O) Fencing Styles**

When used, all fencing throughout the corridor shall be black aluminum (or similar material) and shall not exceed four (4) feet in height and may be located in any yard as approved by the Zoning Compliance Officer. See Figure 4.11-5 for examples of allowable styles.

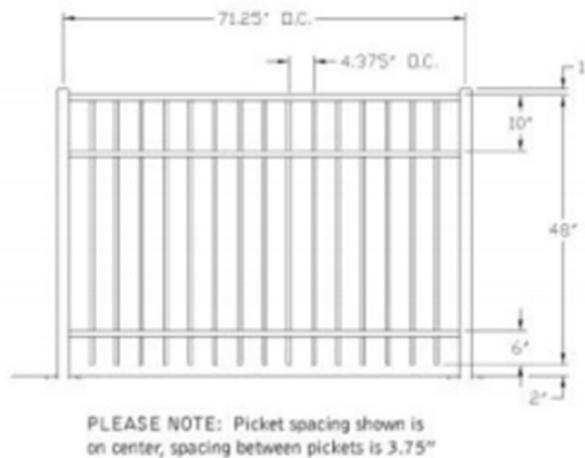
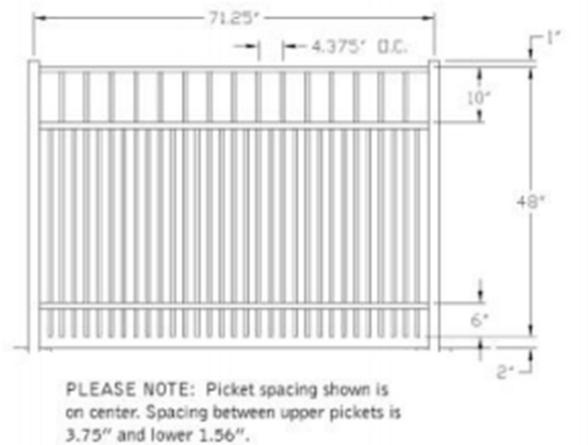


Figure 4.11-5: Allowable fence styles

P) **Site Lighting**

- 1) All pole mounted lighting fixtures within parking areas shall be consistent throughout the corridor, utilizing the same fixtures (see Figure 4.11-6 for approved dark sky compliant fixture type). All other requirements of Section 7.02 (Outdoor Lighting) shall apply.



Figure 4.11-6: Example of allowable lighting style for site lighting. May be single or double arm. Color is matte black.

Q) **Other Applicable Regulations**

- 1) All utilities shall be located underground in all new developments.
- 2) In addition to the specific overlay district standards established above, development within the overlay shall be subject to all other applicable requirements for development as established in this Resolution.

R) **Deviations from Overlay District standards may be authorized by the Zoning Commission after a review of the plans submitted (See Section 3.06).**

**4.12 Site Development Standards**

A) **Measurements, Computations, and Exceptions**

1) **Percentages and Fractions**

When a calculation or ratio established in this Resolution results in a fractional number or percentage, any fraction of  $\frac{1}{2}$  or less shall be rounded down to the next lower whole number and any fraction of more than  $\frac{1}{2}$  shall be rounded up to the next higher whole number. Any percentage of #.5 percent or less shall be rounded down to the next lower whole number and any percentage greater than #.5 percent shall be rounded up to the next higher whole number.

2) **Distance Measurements**

Unless otherwise expressly stated, distances specified in this Resolution are to be measured as the length of an imaginary straight line joining those points.

B) **Lot-Area Measurements**

1) **Lot-Area Measurements**

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

2) **Reductions in Lot Area Prohibited (Lots of Record)**

- a. No existing lot of record shall be reduced in area so that lot area per dwelling unit, lot width, yards, building area, or other requirements of this Resolution are not maintained except where such reduction has been brought about by the expansion or acquiring of public rights-of-way or is approved through a residential conservation subdivision, PUD or R-PUD District.
- b. If, however, by some means (for example, misinterpretation of law, erroneous lot descriptions, and the like) the lot area of a lot of record is reduced below the minimum required lot area as specified herein for the zone, all of the uses and structures contained on the remaining portion of the area shall be subject to compliance with all other provisions of this Resolution.
- c. In the event that the uses and structures cannot comply in such circumstances, the property owner shall seek relief from the BZA, as provided for in Section 3.07 (Appeals, Variances, and Conditional Uses).

C) **Setbacks and Yards**

1) **Measurements**

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed from the ground to the sky except as otherwise expressly allowed in this section.

2) **Yards Required for Buildings**

A yard or other open space required for a building shall not be included as part of a yard or other open space for another building.

3) **Front-Yard Setback**

- a. The yard fronting a street shall be considered to be a front yard and shall meet the minimum front-yard setback.
- b. The front-yard setback shall extend the full width of the lot and shall be measured from the street right-of-way line. See Figure 4.12-1.

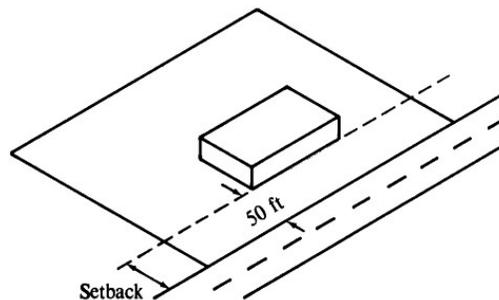


Figure 4.12-1: Measurement of a front yard setback.

**ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS**

Section: 4.12 Site Development Standards

c. For lots where the property line goes to the centerline of the street, 25 feet shall be added to the minimum front yard setback requirement.

4) **Side-Yard Setback**

The side-yard setback shall extend from the required front-yard setback line to the required rear-yard setback line and shall be measured from the side lot line. If no front or rear-yard setback is required, the setback shall extend the full depth of the lot.

5) **Rear-Yard Setback**

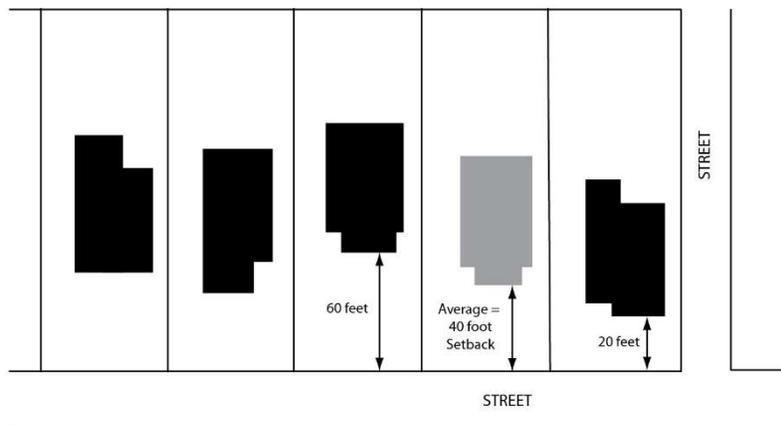
The rear-yard setback shall extend the full width of the lot and shall be measured from the rear lot line.

6) **Riparian Setback**

The riparian setback shall be located along any blueline stream and shall be measured from the ordinary high water mark of said stream. Riparian setbacks shall only apply to parcels created after the effective date of this Zoning Resolution.

7) **Front Yard within an Established Block**

Where the average depth of existing front yards within 300 feet of the lot (as measured from the lot line) in question and within the same block front, is less than the minimum front yard depth required by the Resolution, the required minimum front yard depth on such lot shall be modified to be the average depth of such existing front yards. See Figure 4.12-2.



*Figure 4.12-2: Illustration of the averaging of front yard setbacks. In a district with a minimum front yard setback requirement of 50 feet, smaller setbacks may be allowed if the average front yard setbacks are less than 50 feet.*

8) **Side Yard within an Established Block**

Where the average width of existing side yards within 300 feet of the lot (as measured from the lot line) in question and within the same block front, is less than the minimum side yard width required by the Resolution, the required minimum side yard width on such lot shall be modified to be the average depth of such existing side yards. However, in no instance shall a side yard be less than four feet.

9) **Permitted Obstructions in Minimum Required Yards**

Except as herein provided, the following shall not be considered to be obstructions when located in the required minimum yards specified:

a. **Obstructions Permitted in All Minimum Required Yards**

Driveways; private walkways; fire escapes and chimneys projecting not more than 18 inches into the minimum required yards; arbors and trellises; flag poles; bird baths; trees; plants; shrubberies; ornaments; utility poles and wires; and outdoor furniture; fences and walls, subject to the requirements of Section 7.04 (Fences, Walls, and Entry Gates); and off-street parking as provided for in Article 9 (Parking, Loading, and Access Control).

b. **Obstructions Permitted in Minimum Front Yards**

Bay windows, overhanging eaves and gutters projecting not more than three feet into the minimum required front yard; air conditioning equipment, awnings and canopies extending not more than four feet into the minimum required front yard; and roof-covered steps and porches with post supports extending not more than five feet into the minimum required front yard. In no case will these encroachments be permitted to be closer than 15 feet to a right-of-way line.

c. **Obstructions Permitted in Minimum Rear Yards**

Bay window, overhanging eaves, and gutters, and air conditioning equipment projecting not more than three feet into the minimum required rear yard; awnings and canopies provided they extend not more than ten feet into the minimum required rear yards.

d. **Obstructions Permitted in Minimum Side Yards**

Air conditioning equipment, excluding compressor for central air conditioning unit; overhanging eaves and gutters, awnings, and canopies providing that they extend not more than two feet into the minimum required side yard.

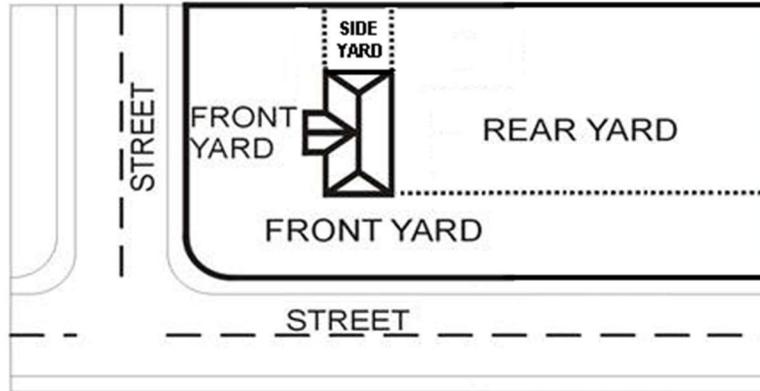
10) **Corner Lots**

- a. Where a lot is considered a corner lot, the required minimum front yard setback shall be provided on each street or section thereof. See Figure 4.12-3.
- b. The lot line of greatest dimension opposite the road right-of-way shall be the side lot line and the minimum side yard setback shall be applied. See Figure 4.12-3.
- c. The lot line of least dimension opposite the road right-of-way shall be the rear lot line and the minimum rear yard setback shall be applied. See Figure 4.12-3.
- d. For the purposes of the placement of accessory structures, the yard located to the rear of the structure shall be considered the rear yard.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.12 Site Development Standards

- e. For the purposes of the placement of fences, a fence not exceeding 48 inches in height shall be permitted in the front yard adjacent to the rear yard as long as that fence is no closer than 20 feet to the street right-of-way line.



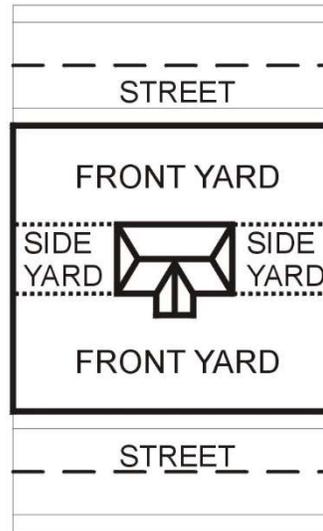
*Figure 4.12-3: Yard locations on a corner lot.*

#### 11) **Double Frontage Lots**

- a. Where a lot is considered a double frontage lot, the required minimum front yard setback shall be provided on both streets. See Figure 4.12-4.
- b. 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 4.12-4.
- c. For the purposes of the placement of accessory structures, the front yard located to the rear of the structure shall be considered the rear yard.
- d. Fences in the front yard located to the rear of the structure shall not exceed 48" in height and shall remain subject to all other provisions governing fences including those standards established for front yard fences in Section 7.04 B. 1.

**ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS**

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*Figure 4.12-4: Yard locations on double frontage lot.*

12) **Panhandle Lots**

- a. Flag or panhandle lots shall not be used to avoid the construction of a street.
- b. The panhandle shall have a minimum width of 50 feet.
- 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 4.12-5.
- d. The panhandle portion of the lot shall not be used for storage nor shall any structures be permitted in such portion of the lot.

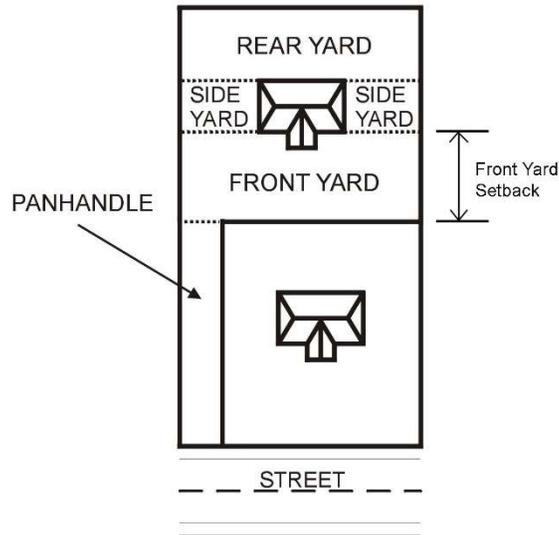


Figure 4.12-5: Yard and front yard setback locations on a panhandle lot.

13) **Cul-de-Sac or Curved-Street Lot**

- a. 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 (See Figure 4.12-6).

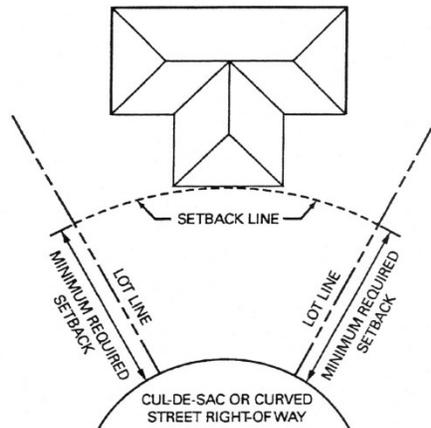


Figure 4.12-6: Setback line of a lot with frontage on a curved street or cul-de-sac.

D) **Lot-Width and Lot Frontage Measurements**

- 1) Lot frontage is the distance between the side lot lines measured at the point of the street right-of-way line.
- 2) Lot frontage for panhandle lots shall be measured at the point of the front building setback line.
- 3) Cul-de-sac lots shall have a minimum of 40' of lot frontage.

- 4) The minimum lot width shall be met at the point of the front building setback line.

E) **Height Measurement and Exceptions**

1) **Height Measurement**

- a. Where specified in stories, building height shall be measured in number of complete stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, at-grade structured parking, but excluding features that are greater than one-half story or completely below grade, such as basements, cellars, crawl spaces, subbasements, and underground parking structures.
- b. Where specified in feet, building height shall be measured as the vertical distance from average finished grade at the base of the structure to (See Figure 4.12-7):
  - i. The highest point of a flat roof;
  - ii. The deck line of a mansard roof; or
  - iii. The mean height between the eaves and ridge on gable, hip, or gambrel roofs.

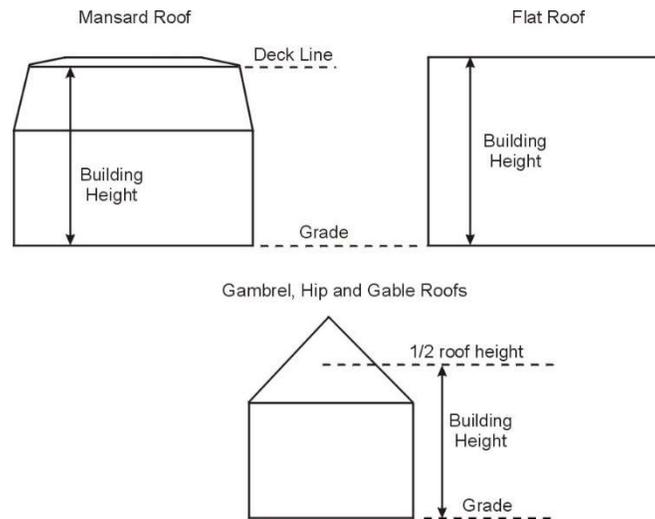


Figure 4.12-7: Measurement of roof heights based on the type of roof.

2) **Exceptions to Height Limits**

The height limitations of this Resolution shall not apply to: church spires, domes, smoke stacks, elevator research towers, radio and television towers, and necessary mechanical appurtenances, and the like provided their construction is in accordance with existing or hereafter adopted Resolutions of the Township, and is acceptable to the Federal Aviation Agency and the Federal Communication Commission.

F) **General Site Development Standards**

- 1) Except as herein provided and with the exception of existing lots of record, every structure hereafter erected shall be located on a lot as herein defined, and there shall not be more than one principal building on one lot.
- 2) More than one nonresidential structure may be permitted as part of a PUD District approval.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.12 Site Development Standards

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- 3) All buildings and lots shall meet the minimum site development standards set forth in this article unless otherwise specified in the use-specific regulations of Section 4.09 (Use-Specific Regulations).
  - 4) No building shall be erected on any lot that does not have permanent means of ingress or egress.

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Section: 4.12 Site Development Standards

**G) Residential Site Development Standards**

Table 4-4 establishes the minimum site development standards for the residential zoning districts.

<b>Table 4-4: Residential Site Development Standards</b>					
<b>Standard</b>	<b>A-1</b>	<b>A-C [1]</b>	<b>E</b>	<b>R-1A</b>	<b>R-1B</b>
<b>Lot Area, Frontage/Width, and Coverage Standards</b>					
Minimum Lot Area	5 Acres	10 Acres	2.5 Acres	37,000 Square Feet with public water and public sewer; 2.5 Acres without public water and public sewer	22,000 Square Feet with public water and public sewer; 2.5 Acres without public water and public sewer
Minimum Lot Frontage/Minimum Lot Width	250 Feet	250 Feet	150 Feet	125	100
Maximum Lot Coverage	10%	10%	20%	30%	30%
<b>Minimum Yard Setbacks (Feet)</b>					
Front Yard	100	100	50	40	40
Side	Total	50	50	35	30
	One Side	25	25	15	10
Rear Yard	100	100	50	40	40
Riparian Setback [2]	50	50	50	50	50
<b>Maximum Building Height (Feet)</b>					
Maximum Building Height	35	35	35	35	35
<p>NOTE:</p> <p>[1] Lots in the A-C District shall meet the minimum site development standards as set forth below in Table 4-3 unless the proposed development meets the requirements of a residential conservation development as established in Section 4.13 (Residential Conservation Development).</p> <p>[2] The riparian setback adjacent to the Little Miami River shall be 120'. Riparian setbacks shall only apply to parcels created after the effective date of this Zoning Resolution.</p>					

**ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS**

Section: 4.12 Site Development Standards

H) **Nonresidential Site Development Standards**

Table 4-5 establishes the minimum site development standards for the nonresidential zoning districts.

<b>Table 4-5: Nonresidential Site Development Standards</b>				
<b>Standard</b>	<b>O-1</b>	<b>B-1</b>	<b>B-2 and B-3</b>	<b>I-1</b>
<b>Lot Area, Frontage/Width, and Coverage Standards</b>				
Minimum Lot Area	43,560 Square Feet	22,000 Square Feet	43,560 Square Feet	22,000 Square Feet
Minimum Lot Frontage/Minimum Lot Width	125 Feet	125 Feet	125 Feet	125
Maximum Lot Coverage	60%	60%	70%	80%
<b>Minimum Yard Setbacks (Feet)</b>				
Front Yard	30	30	30	25
Side Yard (Each) [1] [2]	15	15	15	15
Rear Yard [1] [3]	30	30	30	30
Riparian Setback [4]	50	50	50	50
Setback from Any Lot Line Adjacent to or Across From a Residential Zoning District	50	50	50	50 – Front Yard
				100 Side or Rear Yard
<b>Maximum Building Height (Feet)</b>				
Maximum Building Height	60	35	60	35
<p>NOTES:</p> <p>[1] When a side or rear yard in a nonresidential district abuts a residential zoning district, the minimum side or rear yard setback shall be 50 feet.</p> <p>[2] When a side yard of a nonresidential district abuts a property in a nonresidential district, buildings may be constructed to the side lot line provided that the buildings share a common wall along the lot line.</p> <p>[3] The rear yard setback shall be increased by one foot for each two feet of the building height that exceeds 25 feet.</p> <p>[4] The riparian setback adjacent to the Little Miami River shall be 120'. Riparian setbacks shall only apply to parcels created after the effective date of this Zoning Resolution.</p>				

**4.13 Residential Conservation Development in an A-C District**

**A) Purpose**

Residential conservation developments provide for and encourage flexible and creative development techniques aimed toward protecting agriculture as an industry and the rural character of Sugarcreek Township.

**B) Development Property Requirements**

- 1) The property that is subject to the proposed residential conservation development application shall contain a minimum of 20 contiguous acres, not separated by a road or other right-of-way prior to development.
- 2) The developer (applicant) must own in fee simple or have an option to purchase all lands within the residential conservation development.
- 3) The arrangement of dwelling units shall comply with all development standards contained in the applicable zoning district as modified in this section.

**C) Permitted Density**

The minimum site development standards contained in the A-C Zoning District are modified in a residential conservation development to provide for required open space and allow for flexibility in design. Unless specifically modified hereunder, area and height regulations contained in the A-C Zoning District apply.

**1) Permitted Number of Dwelling Units**

The maximum permitted number of dwelling units shall be determined by applying a maximum density of one unit per five acres to the total site. For example, on a 100 acre site, the maximum number of dwelling units shall be 20 units.

**2) Site Development Requirements**

- a. There shall be a minimum lot area requirement of one dwelling unit per acre.
- b. The minimum lot frontage shall be 100 feet.
- c. Larger lot area requirements may be required by the Greene County Combined Health District to accommodate on-site wastewater systems.
- d. **Minimum Yard Depths and Setbacks**
  - i. There shall be a minimum front yard setback of 50 feet.
  - ii. There shall be a minimum side yard setback of 20 feet on each side.
  - iii. There shall be a minimum rear yard setback of 50 feet.
  - iv. Accessory uses shall be setback 10 feet from all lot lines.
- e. The maximum height of all principal buildings shall be 35 feet.

**D) Allowable Uses**

- 1) The uses allowed in a residential conservation development are those permitted uses listed in the applicable zoning district.
- 2) Private roads connecting one residence to another and/or for means of ingress and egress for the residential conservation development are permitted, subject to the following conditions:

- a. The private roads must be designed and constructed to meet Greene County Engineer requirements for design, materials, and construction.
- b. The length, location, distance and other relevant siting factors must comply with all of the Greene County requirements for subdivision roads.

**E) Sewage Disposal**

Residential conservation developments shall be served by individual on-site or public sewage disposal structures consistent with applicable state or county regulations. Individual on-site sewage disposal systems shall comply with all applicable regulations of the Greene County Combined Health District and may be located within required open space with required easements.

**F) Mandatory Open Space Requirements**

- 1) All residential conservation developments shall include a minimum of 50 percent of the total site acreage as required open space. The following areas shall be completely preserved in their natural state as part of the open space requirements:
  - a. Wetlands; and
  - b. Floodplains and floodways;
  - c. Areas with a natural slope of 25 percent or more.
- 2) Property management activities that remove non-native or invasive vegetative species from the above areas shall be permitted.
- 3) The following areas shall not count toward the minimum open space requirements:
  - a. Private and public roads, and associated rights-of.-way.
  - b. Public or private parking areas, access ways, and driveways.
  - c. Required setbacks between buildings, parking areas, and project boundaries.
  - d. Private lots,
  - e. Private yards, including front, back and sides.
  - f. Above-ground buildings, pipes, apparatus, and other equipment for community or individuals, septic or sewage disposal systems.

**G) Use of Required Open Space**

- 1) Open space shall be designed and intended for the use and/or enjoyment of residents of the proposed development or the general public if the open space is dedicated and accepted by Sugarcreek Township, the Bellbrook Sugarcreek Park District, or Greene County for permanent use as parks or open space.
- 2) Areas designated for required open spaces shall be preserved in its natural state unless otherwise permitted as follows:
  - a. They are designated to be utilized for agricultural use when authorized in a conservation easement or in a homeowners association's covenants and restrictions; or

**ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS**  
Section: 4.13 Residential Conservation Development in an A-C District

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- b. They are designated to 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; or
- c. They are designated to be utilized as wet 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; or
- d. They are designated to be used as active recreation areas designed and intended for the use and/or enjoyment of residents of the development, or the general public. 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. Such uses shall not include structures under a roof.

**H) Reclamation of Disturbed Open Space**

- 1) Any area to be designated as required open space (as designated on plans submitted as part of the application) that is disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with vegetation which appeared in those respective areas of the required open space immediately prior to being disturbed during construction or otherwise not preserved in their natural states (with the exception of invasive species).
- 2) The existing vegetation types shall be noted on the submitted plans to the maximum extent feasible.

**I) Future Subdivision and Development of Open Space**

- 1) 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 Sugarcreek Township and duly recorded in the office of the Greene County Recorder.
- 2) Subject to permanent restrictions as set forth above, required open space in a residential conservation development shall be held and/or owned by a Homeowners Association, Sugarcreek Township (with its consent), a land trust or other conservation organization recognized by Sugarcreek Township, or by a similar entity.
- 3) 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.
- 4) To obtain Township approval of the ownership of open space and common areas, the association must submit documents with the development plan showing that the association's bylaws and/or code of regulations require the following:
  - a. Membership in the Association shall be mandatory for all purchasers of lots in the development.
  - b. The Association shall be responsible for maintenance, control, and insurance of all common areas, including required open space.

**J) Conservation Easements**

Prior to recording a residential conservation development, a conservation easement may be placed on all lands and private waters used to satisfy the open space requirement of this section. Such easement shall conform to the requirements of Subsection 6.05 (C)(7).

**K) Development Plan Submission Requirements**

- 1) All proposed residential conservation developments shall provide a site analysis and a development plan to document compliance with all requirements of this section.
- 2) A site analysis and development plan together with any required application forms shall be transmitted in a form and number as prescribed by the Trustees.
- 3) The site analysis and development plan shall be submitted to and reviewed by the Zoning Compliance Officer in the manner described herein.

**L) Review of Residential Conservation Developments**

Within 10 days after receiving an application, site analysis, and development plan, the Zoning Compliance Officer shall review submitted material to determine that the application includes all the items required in this section. If the application is deemed complete and the application fee is paid, the Zoning Compliance Officer shall officially accept the application on that date. Review of the proposed residential conservation development shall be accomplished in coordination with review procedures and requirements of all government agencies with jurisdiction over the development, and in the following manner:

**1) Distribution of Submitted Material**

Once the application is determined to be complete, the Zoning Compliance Officer shall distribute copies of submitted materials to Sugarcreek Township’s legal counsel and appropriate Township administrative departments, and to such other regulatory agencies that have statutory authority to subsequently review and comment on any aspect of the development, including but not limited to, the Greene County Regional Planning and Coordinating Commission, the Greene County Combined Health District, the Greene County Engineer, the Ohio Environmental Protection Agency, FEMA, U.S. Army Corps of Engineers, consultants retained by the Township, the BZA, and the Board of Township Trustees. Any comments will be passed on to the applicant, however, unless the comments demonstrate that the application does not meet the standards of this Zoning Resolution, the Zoning Compliance Officer shall not use the comments as a reason for denial.

**2) Review and Approval by Sugarcreek Township Zoning Compliance Officer**

Within 45 days after the date that a complete application is made, the Zoning Compliance Officer shall review materials submitted and take one of the following actions:

- a. Approve the application and proposed development plan based upon a determination that the proposed plan complies with the standards set forth in this Resolution; or
- b. Deny approval of the application and proposed development plan. The decision to deny the application shall include a written description of specific changes required for the proposed plan to conform to the requirements of this section. A decision to deny the application and proposed development plan may be appealed to the BZA in accordance with the requirements in Section 3.07 (Appeals, Variances, and Conditional Uses).

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.14 Accessory Uses and Structures

#### M) Approval Criteria

In reviewing a proposed application for a residential conservation development, the Zoning Compliance Officer shall make a determination that the proposed development complies with the provisions of this section.

#### N) Time Limits

The development plan shall be valid for two years. If the applicant has not begun construction within the two years, the development shall be voided and any new development shall require a new application for approval.

#### O) Amendments

- 1) After a residential conservation development has been approved, adjustments, or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested.
- 2) Changes, as defined herein, are allowed and may be approved by the Zoning Compliance Officer, provided such requests conform to applicable standards defined in this section.
- 3) Amendments shall require the submittal of a revised development plan to the Zoning Compliance Officer. The Township may establish a minor re-submittal fee as part of their adopted fee schedule.

### 4.14 Accessory Uses and Structures

#### A) Purpose

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses.

#### B) General Provisions

Accessory uses or structures shall be permitted provided:

- 1) The use or structure is incidental to and customarily found in connection with a principal building or use permitted in the district in which is located.
- 2) It is subordinate to and serves the principal building or use.
- 3) It is subordinate in size, area, extent, and purpose to the principal building or use.
- 4) It is located on the same lot as the principal use for which it serves.
- 5) An owner applies for and receives a Zoning certificate unless exempted by this section.
- 6) An accessory use or structure shall not be established unless a principal use has first been established on a site in conformance with the applicable provisions of the Zoning Resolution.
- 7) Unless permitted by the BZC and Board of Township Trustees as part of a PUD approval, accessory uses and structures shall be prohibited in any open space area that is preserved by covenant.
- 8) Accessory structures used for agricultural purposes shall be exempt from this Zoning Resolution unless the structure is accessory to the raising of livestock on lots with less than five acres, in which case, the structure shall be subject to the provisions of this section.
- 9) Accessory uses and structures in any overlay zoning district shall be subject to the accessory use regulations for the underlying base zoning district.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.14 Accessory Uses and Structures

- 10) No accessory building shall contain facilities used for a dwelling unit.
- 11) Fences and walls shall be regulated by Section 7.04 (Fences, Walls, and Entry Gates).

#### C) **Permitted Accessory Uses and Structures**

Table 4-6 lists the accessory uses and structures allowed within all zoning districts. The following is an explanation of the abbreviations and columns in Table 4-6.

##### 1) **Permitted Uses (P)**

A “P” in a cell indicates that an accessory use or structure is permitted by-right in the respective zoning district. Permitted accessory uses are subject to all other applicable regulations of this Resolution, including the use-specific standards set forth in this section.

##### 2) **Permitted with Use-Specific Standards**

- a. A “P\*” in a cell indicates that an accessory use or structure is allowed by-right in the respective zoning district if it meets the additional use-specific standards set forth in the numerically referenced sections. Permitted uses and structures with use-specific standards are subject to all other applicable regulations of this section and Resolution.
- b. Accessory uses and structures permitted with use-specific standards under this category are approved by the Zoning Compliance Officer through the Zoning certificate review procedure (See Section 3.05 (Zoning Certificate)).

##### 3) **Conditional Uses (C)**

A “C” in a cell indicates that, in the respective zoning district, an accessory use or structure is permitted if reviewed and approved as a conditional use pursuant to Section 3.07 (Appeals, Variances, and Conditional Use). Conditional uses and structures are subject to all other applicable regulations of this Resolution, including the use-specific standards set forth in this section.

##### 4) **Prohibited Uses (Shaded Cells)**

A blank cell indicates that the listed accessory use or structure is prohibited in the respective zoning district.

##### 5) **Zoning certificate Required**

The “Zoning certificate Required” column identifies if a Zoning certificate is required for the applicable accessory use or structure.

##### 6) **Yard Permitted**

The “Yards Permitted” column identifies what yards the applicable accessory use or structure is permitted. See also Section 4.12 (Site Development Standards).

##### 7) **Use-Specific Standards**

Regardless of whether an accessory use or structure is permitted by-right or permitted with a conditional use permit, there may be additional use-specific standards that are applicable to the use or structure. The existence of these use-specific standards is noted through a cross-reference in the last column of Table 4-6. These standards apply in all districts unless otherwise specified.

**ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS**

Section: 4.14 Accessory Uses and Structures

**Table 4-6: Permitted Accessory Uses and Structures**

**O-1, B-1, B-2,B-3, I-1, PUD-B, PUD-O, PUD-I**

	A-1, A-C, E, R-1A, R-1B, R-PUCD, PUD-R		PUD-MU	Zoning certificate Required	Yards Permitted F= Front S = Side R = Rear	Use-Specific Standards
<p align="center">P = Permitted    P* = Permitted with Use-Specific Standards    C = Conditional Use                      Shaded or Unlisted = Prohibited</p>						
Amateur Radio Towers	P*	P*	P*	Yes	S or R	See Sec. 4.14 (E)(1)
Automated Teller Machines (ATMS)		P	P	Yes	S or R	
Basketball Hoops	P*		P*	No	F, S, or R	See Sec. 4.14 (E)(2)
Detached Garages	P*	P*	P*	Yes	S or R	
Storage/Utility Sheds and Similar Buildings or Structures	P*	P*	P*	Yes	R	
Fences	P*	P*	P*	Yes	See Sec. 7.04	
Home Occupations	P*		P*	Yes	Inside principal building	See Sec. 4.14 (E)(3)
Professional Office Uses	C				Inside accessory buildings existing at the effective date of this Resolution	See Sec. 4.14 (E)(4)
Detached Decks, Gazebos, and Similar Structures	P		P	Yes	R	
Private Swimming Pools	P*	P*		Yes	R	See Sec. 4.14 (E)(5)
Ramps	P	P	P	No	F, S, or R	
Roadside Stands	P*	P*	P*	Yes	F, S, or R	See Sec. 4.14 (E)(6)
Satellite Dishes	P*	P*	P*	No	S or R	See Sec. 4.14 (E)(7)
Small Wind Energy Conversion Systems	P*	C	C	Yes	R	See Sec. 4.14 (E)(8)
Solar Panels	P*	P*	P*	No	See Sec. 4.13 (E)(9)	
Tennis Courts or Other Ball Courts	P*	P*	P*	No	R	See Sec. 4.14 (E)(10)
Tree Houses, Play Sets, or Trampolines	P		P	No	R	
Unenclosed Patios	P		P	No	R	
Wood Boiler Furnaces	P			Yes	R	See Sec. 4.14 (E)(11)
Other Accessory Uses/ Structures	C	C	C		As determined by the BZA	

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.14 Accessory Uses and Structures

#### D) Accessory Use and Structure Development Standards

##### 1) Setbacks

- a. Accessory structures and buildings that are attached to a principal structure (e.g., garages, porches, and decks) and that are an integral part of the principal building shall be subject to all site development standards of the principal structure. All others shall be subject to the standards of this section.
- b. Detached garages and porches that are within ten feet of the principal structure and are connected to the principal building by a breezeway or other structure with a roof shall be considered a part of the principal building and subject to all site development standards of the principal structure.
- c. All accessory uses that require a Zoning certificate and that do not exceed 18 feet in height shall be set back a minimum of ten feet from the principal building and eight feet from all side and rear lot lines unless otherwise specified in the use-specific regulations or as established in an R-PUD. This shall not apply to fences, porches, unenclosed patios, or decks.
- d. All accessory uses require a Zoning certificate and that exceed 18 feet in height shall be set back a minimum of 15 feet from all side and rear lot lines unless otherwise specified in the use regulations or as established in an R-PUCD or PUD-R.
- e. Accessory uses shall not be located in any conservation, utility, or other public easement unless approved by the easement owner.

##### 2) Maximum Height

- a. The maximum height of accessory structures on lots less than five acres in size shall be one story or 18 feet, whichever is less, unless otherwise specified in this Resolution. In the R-1A, R1-B, R-PUCD and PUD-R districts an accessory structure shall not exceed the height of the principal structure, unless otherwise specified in this Resolution.
- b. The maximum height of accessory structures on lots of five acres or greater in size shall be two stories or 24 feet, whichever is less, unless otherwise specified in this Resolution.
- c. Accessory uses related to agricultural uses that are exempt from the zoning requirements shall also be exempt from these zoning requirements.

##### 3) Maximum Size

- a. The maximum footprint for all accessory buildings and structures on a lot in the R-1A, R-1B, R-PUCD and PUD-R districts shall be 25 percent of the total floor area of the principal structure (excluding basements but including attached garages).
- b. The maximum footprint for all accessory buildings and structures on a lot in the A-1, A-C, and E districts shall be 30 percent of the required rear yard area with a maximum not to exceed 2,500 square feet for all buildings and structures.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.14 Accessory Uses and Structures

- c. Accessory buildings and structures that shall be counted as part of this maximum floor area calculation shall include detached garages, storage/utility sheds, detached decks, gazebos and similar structures, tennis courts or other ball courts, above ground pools (but not inground pools) and other accessory buildings (but not other accessory structures such as playsets).
  - d. Accessory uses related to agricultural uses that are exempt from the zoning requirements shall also be exempt from these zoning requirements.
- 4) **Limitation on Number of Accessory Buildings and Structures in the R-1A, R-1B, R-PUCD and PUD-R Districts**
- a. In the R-1A, R-1B, R-PUCD and PUD-R Districts, a maximum of two accessory buildings and structures shall be permitted on any individual lot. Accessory buildings and structures that shall be counted as part of this limitation include detached garages, storage/utility sheds, detached decks, gazebos and similar structures, and above ground pools (but not inground pools).

#### E) Use Regulations

1) **Amateur Radio Towers**

All amateur radio towers that do not fall under the definition of a wireless telecommunication tower and that exceed the allowable height of structures in a residential zoning district shall be limited in height to:

- a. A maximum height equal to ten feet more than the maximum height for permitted residential structures in the applicable district; or
- b. A height equal to the distance as measured from the base of the tower to the nearest lot line with a maximum height of 100 feet.

2) **Basketball Hoops**

Basketball hoops shall be set back 15 feet from any street right-of-way.

3) **Home Occupations**

- a. The purpose of the home occupation provisions is to allow for home occupations that are compatible with the neighborhood in which they are located.
- b. In all residential and agricultural zoning districts, home occupations may be permitted as accessory uses in compliance with the following regulations, and shall require a Zoning certificate in order to establish and maintain such uses:
  - i. A home occupation shall be conducted within a dwelling and shall be clearly incidental to the use of the structure as a dwelling.
  - ii. Home occupations shall not use more than 25% of the floor area used for human occupancy.
  - iii. No home occupation shall be conducted in any accessory building;
  - iv. There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling.
  - v. There shall be no display of products visible in any manner from outside of the dwelling.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

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- vi. There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.
- vii. No person other than residents of the dwelling shall be employed in the conduct of a home occupation.
- viii. The use shall not generate excessive additional pedestrian or vehicular traffic.
- ix. The use shall not require additional off-street parking spaces for clients or customers of the home occupation.
- x. No equipment or process shall be used in such home occupation, which creates noise, vibrations, glare, fumes, odors or electrical interference detectable off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises.

#### c. **Prohibited Home Occupations**

The following home occupations shall be prohibited in Sugarcreek Township:

- i. Homes that serve as a gathering point for employees engaged in the business that takes place off the premises. This may include, but it is not limited to, landscape business offices, construction offices, or a trucking business where drivers or employees gather at the home before being dispatched from the home for the purposes of the home occupation;
- ii. Home occupations that involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as construction equipment used in a business;
- iii. Home occupations that require fire safety inspections, precautions or permits or other regulatory inspections or permits;
- iv. Home occupations that require the use of mechanical ventilation systems to exhaust the by-products of the home occupation; or
- v. Home occupations that involve the use of controlled substances.

#### 4) **Professional Office Uses**

- a. The purpose of the professional office use provisions is to allow professional office uses (specifically excluding medical, dental, and employment offices) to locate in existing accessory buildings at the effective date of this Resolution.
- b. Professional office uses shall only be permitted in the A-1 zoning district.
- c. Professional office uses shall require a minimum lot area of 10 acres.
- d. Buildings used for professional offices shall be setback a minimum of 50' from adjacent residential uses and shall be subject to the requirements of Section 10 and Section 11.

#### 5) **Private Swimming Pools**

The following regulations apply to privately owned swimming pools that are either above ground or in-ground with a depth capable of holding water with a depth of 18 inches or more.

- a. Setback requirements shall be measured to the outside wall of an above ground pool or to the water for in-ground pools.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.14 Accessory Uses and Structures

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- b. Any swimming pool, or any permitted area of the property on which it is located, shall be so walled or fenced by approved material and construction a minimum of 48 inches high to prevent uncontrolled access from the street or adjacent properties.
    - i. The fence shall be maintained in good condition with a self-closing, self-latching gate.
    - ii. For above ground pools, the sidewall of the pool may serve as the safety wall provided the sidewall of the pool is at least 48 inches high as measured from the grade at the base of the wall.
    - iii. On lots in the A-1 District containing at least 5 acres, in lieu of a wall or fence an automatic pool cover meeting ASTM F1346-91 standards (or as modified) may be installed. The cover must be locked when the pool is not in actual use and/or when the pool is unattended.
  - c. Any lighting used to illuminate the pool area shall be subject to Section 7.02 (Outdoor Lighting).
- 6) **Roadside Stands**
- a. A roadside stand shall only be permitted where 50 percent or more of the gross income received from the stand is derived from produce raised on farms owned or operated by the market operator in a normal crop year;
  - b. The structure shall not exceed 800 square feet;
  - c. The structure and any related parking areas shall be set back 60 feet from all lot lines; and
  - d. That one ground-mounted monument sign may be permitted provided it does not exceed 12 square feet in sign area, six feet in height, and is externally illuminated.
- 7) **Satellite Dishes**
- Satellite dishes with a total width greater than 24 inches shall only be permitted in the rear yard and shall be setback a minimum of 15 feet from all lot lines.
- 8) **Small Wind Energy Conversion Systems**
- a. Small wind energy conservation systems shall require a lot with a minimum lot area of five acres. The use shall be setback a minimum of 25 feet plus the total height of the system measured to the highest point on the blade from any adjacent property line.
  - b. Small wind energy conservation systems shall be permitted uses only in the A-1 and A-C Zoning Districts. Small wind energy systems shall be conditional uses in the O-1, B-1, B-2, B-3, I-1, PUD-B, PUD-O, PUD-I, and PUD-MU Zoning Districts.
  - c. The maximum height shall be 125 feet to the highest point on the blade.
- 9) **Solar Panels**
- a. Solar panels are permitted without a Zoning certificate provided they are attached to the roof of a building and do not exceed the maximum height permitted in the applicable zoning district.
  - b. Solar panels that are mounted on structures other than the principal structure or to the ground shall only be permitted in the rear yard and shall be subject to all setback standards established in this section.
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## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.15 Temporary Uses and Structures

#### 10) Tennis Courts or Other Ball Courts

- a. Tennis courts or other ball courts shall be set back a minimum of 25 feet from all property lines.
- b. Tennis courts or other ball courts shall be subject to the outdoor lighting standards of Section 7.02 (Outdoor Lighting).

#### 11) Wood Boiler Furnaces

- a. Wood boiler furnaces that supply heat to the principal structure are prohibited in the E, R-1A, R-1B, R-PUCD, and PUD-R zoning districts or recorded subdivisions.
- b. Wood boiler furnaces that have been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units output (also known as Phase 2 units) shall be set back a minimum of 50' from any adjacent property line and 100' from any residence not served by the wood boiler furnace.
- c. All other wood boiler furnaces shall be set back a minimum of 100' from any adjacent property line and 300' from any residence not served by the wood boiler furnace.
- d. Fuel burned in any new and existing outdoor wood furnace shall be only be natural untreated wood, wood pellets, corn products, biomass pellets, or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas, or propane backup.

### 4.15 Temporary Uses and Structures

#### A) General Provisions

- 1) A Zoning certificate shall be required for all temporary uses or structures.
- 2) The temporary use or structure shall be reviewed in accordance with this section and all other applicable sections of this Resolution.

#### B) Time Limits

Temporary uses and structures may only be permitted for a specified period of time, not to exceed 30 days, with the following exceptions:

- 1) Temporary structures incidental to construction activities shall be removed within 30 days of completion or abandonment of the construction work.
- 2) Zoning certificates for temporary offices incidental to real estate sales and rentals may be issued for a period of one year. The Zoning Compliance Officer may permit a renewal of the Zoning Certificate if conditions warrant such renewal.
- 3) Temporary Zoning Certificates for uses such as festivals, circuses, concerts, and similar uses shall be valid for no more than two weeks provided:
  - a. The applicant receives other applicable permits from the Greene County Building Department and the Sugarcreek Township Fire Department.
  - b. The plans receive approval by the Sugarcreek Township Police Department for the purposes of protecting the public safety.
  - c. The applicant applies for and receives a conditional use permit pursuant to Section 3.07 (Appeals, Variances, and Conditional Uses).

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.16 Nonconformities

- 4) Temporary tents for outdoor sales may be permitted for a 14-day period once every 90 days.
- 5) Temporary tents for special events are permitted in all zoning districts for a maximum of one week per event or as approved by the Township Trustees on a case by case basis.
- 6) Temporary storage containers or refuse containers over 32 gallons provided:
  - a. They are located in a designated parking spot outside of the public right-of-way.
  - b. The containers are removed after the expiration of the Zoning Certificate which may authorize the placement of the container for a maximum of 30 days.
  - c. The containers are not attached to a foundation or are otherwise a permanent structure which would be considered an accessory use or principal use and subject to the standards of the applicable zoning district.
- 7) Temporary, seasonal, or permanent outdoor displays, sales, or storage shall be regulated by Section 7.03 (Outdoor Displays, Sales, and Storage).

#### C) Standards, Prohibitions, and Restrictions Generally

- 1) Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.
- 2) Temporary uses shall be subject to the performance standards of Section 7.01 (Performance Standards).
- 3) Any outdoor lighting shall be subject to the standards established in Section 7.02 (Outdoor Lighting).
- 4) The lot shall be put in clean conditions devoid of temporary use remnants upon termination of the temporary period.

### 4.16 Nonconformities

#### A) Purpose

Within the districts established by this Resolution, some lots, uses of lands, structures, or combinations thereof may exist that 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. It is the intent of this Resolution to permit these nonconformities to continue until they are removed, but not to encourage continuance. Therefore, nonconformities shall not be moved, extended, altered, expanded, or used as grounds for any other use or structure prohibited elsewhere in the applicable district without the approval of the BZA, except where otherwise specifically provided for in this Resolution.

#### B) Nonconformities and Variances

- 1) Whenever a nonconforming use has been changed to a conforming use, such use shall no longer be defined as a nonconforming use.
- 2) The granting of a variance for a use or structure that otherwise complies with this Resolution, shall not create a nonconforming use or structure when the variance is granted.
- 3) When a property owner or authorized agent is granted a variance for a nonconforming use or structure that addresses the nonconformity, the use or structure shall no longer be considered nonconforming.

## ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS

### Section: 4.16 Nonconformities

- 4) If a property owner or authorized agent is granted a variance for a nonconforming use or structure that addresses some nonconformities but additional nonconformities continue, the use or structure shall still be considered legally nonconforming.

#### C) Residential Use of Nonconforming Lots of Record

In any district where residential dwellings are permitted, a single family detached dwelling may be erected on any lot of official record at the effective date of this Resolution, irrespective of its area or widths, provided the applicable yard and other open space regulations satisfy the following requirements:

- 1) On lots of record that are smaller than the required minimum lot size and therefore cannot meet the minimum yard and requirements and lot coverage standard for the corresponding district, the minimum yard setbacks and lot coverage standard shall be determined by the proportional application of the requirements specified in that corresponding district.
- 2) The proportion to be used for calculating minimum yard setbacks and lot coverage standard shall be determined by identifying the difference in lot sizes between the existing lot of record and the minimum lot size for single-family dwellings in the zoning district in which the lot of record exists.
- 3) Any modified side and rear yard setbacks shall not be reduced to less than 50% of the minimum side and rear yard setbacks required in that district, except as otherwise provided by this Resolution.
- 4) The maximum modified lot coverage standard shall be 40%, except as otherwise provided in this Zoning Resolution. In no case shall lot coverage exceed 40%, except as otherwise provided by this Resolution.
- 5) The minimum front yard setback may be reduced in accordance with Section 4.11 (C)(7).

#### D) Nonconforming Uses

- 1) The BZA may authorize a change in use from a legal nonconforming use to another nonconforming use if approved through a conditional use permit and where the BZA finds the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such changes, the BZA may require appropriate conditions and safeguards in accordance with other provisions of this Zoning Resolution.
- 2) When a building or structure containing a nonconforming use is damaged by fire, explosion, act of God, or public enemy to the extent of more than 60% of its reproduction value, the nonconforming use shall not be restored, unless authorized by the BZA through a conditional use permit.
- 3) If the legally nonconforming use of any dwelling, building, structure, or of any land or premises is voluntarily discontinued for two years or more, any future use thereof shall be in conformity with the provisions of this Resolution.
- 4) Buildings or structures that contain a nonconforming use shall not be moved, extended, or enlarged.
- 5) Whenever a nonconforming use has been changed to a more restrictive classification of use, such use shall not be changed thereafter to a less restrictive use.

E) **Nonconforming Structures**

- 1) Any nonconforming structure may be enlarged, maintained, reconstructed, repaired or altered provided, however, that no such enlargement, maintenance, reconstruction, 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.
- 2) Nonconforming structures 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.
- 3) Governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard, building setback, or structure setback below that required in the applicable zoning district shall not render a structure nonconforming.

F) **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.
- 2) Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, structure, 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.

G) **Burden of Proof**

An applicant for any development review procedure that deals with a nonconforming use shall bear the burden of proof in demonstrating that the use was a legal nonconforming use on the effective date of this Resolution.

**4.17 Agritourism**

A) **In the interest of the public health and safety, no agritourism operation shall be granted a zoning permit unless the following conditions have been satisfied:**

- 1) The agritourism provider shall provide evidence the farm on which the agritourism operation is proposed is ten (10) acres or more in area. If such farm is less than ten (10) acres, evidence shall be provided that such farm is currently enrolled in the Current Agricultural Use Value (CAUV) program or produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.
- 2) The agritourism provider shall identify the educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operation to the existing agricultural use of the property and the surrounding agricultural community in general.
- 3) The agritourism provider shall submit a floor plan of the structure to be used primarily for agritourism activities and a site plan of the property illustrating all structures, setbacks from

**ARTICLE 4: ZONING DISTRICTS AND USE REGULATIONS**

Section: 4.17 Agritourism

property lines for all structures and any existing or proposed well and/or on-site wastewater disposal system area(s) on the property.

- 4) The size and setback for any structure used primarily for agritourism activities shall meet the following requirements:
  - a. All structures used primarily for agritourism activities shall be subject to the standard minimum front, side and rear yard setbacks for principal structures for the zoning district regardless of the size of such structure. When applicable, more restrictive setback requirements set forth in 4.16 A. 4. b. shall overtake the standard district setbacks.
  - b. All structures used primarily for agritourism shall be set back from any existing residential structure in accordance with the following table:

<b>Size of Structure</b>	<b>Setback from Existing Residential Structure</b>
Less than 500 square feet	200 feet
500 to 1,499 square feet	300 feet
1,500 to 2,499 square feet	400 feet
Equal to or greater than 2,500 square feet	500 feet

- 5) The agritourism operator shall provide off-street parking in accordance with the following:
  - a. Agritourism operations providing educational, entertainment and/or cultural activities in a farm setting and open to the general public, regardless of whether or not an entry fee is charged, shall provide a minimum number of parking spaces as determined by the Zoning Inspector based upon similar uses identified in the off-street parking regulations correlated to the intensity of the use such as peak attendance periods and the size of the structure and/or land area designated for agritourism activities provided in the application.
  - b. The Zoning Inspector shall not require the parking area be improved, including any requirements governing drainage, parking area base, parking area paving or other such improvement.
- 6) The agritourism operator shall provide ingress and egress via access points on a public road approved by the Township, County Engineer or Ohio Department of Transportation, depending on the jurisdiction of the road being accessed. Such ingress and egress shall be designed to accommodate emergency vehicle access to the satisfaction of the Fire Department having jurisdiction over the property upon which the agritourism operation is located.

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## **ARTICLE 5: “PUD” PLANNED UNIT DEVELOPMENT DISTRICT**

### **5.01 Type of PUD Districts**

The following are the four distinct types of PUD Districts allowed for under this article.

- A) “PUD-O” Planned Office District
- B) “PUD-B” Planned Business District
- C) “PUD-I” Planned Industrial District
- D) “PUD-MU” Planned Multi-Use District
- E) “PUD-R” Planned Residential District

### **5.02 PDs Approved Prior to the Effective Date of this Resolution**

- A) Any Planned Development (PD) approved prior to the effective date of this Resolution shall continue in accordance with the approved plans. Modifications, amendments, and expansion of existing PDs shall be in accordance with this article.
- B) “PD-R” Planned Development Residential Districts approved prior to the effective date of this Resolution shall be renamed to R-PUCD. New residential planned development shall be reviewed through the PUD-R provisions of this article or the R-PUCD provisions of Article 6 (Residential Planned Unit Conservation Development District).

### **5.03 Compliance with Plans**

All PUDs approved after the effective date of this Resolution shall comply with the most current version of the Sugarcreek Township Comprehensive Development Plan including compliance with the permitted uses, densities, intensities, and other recommendations of the plan.

### **5.04 “PUD-O” Planned Unit Development Office District**

#### **A) Permitted Uses**

The permitted uses within the PUD-O District shall be the same as those of the O-1 District. Multiple principal uses and buildings may be located on a single lot.

#### **B) Development Standards**

##### **1) Building Height**

The building height standards of the O-1 District shall apply to all PUD-O Districts.

##### **2) Maximum Lot Coverage**

The maximum lot coverage in a PUD-O District shall be 75% of the total site, provided, that underground parking structures shall not be included in the lot coverage calculation if the highest point of the garage does not exceed 30 inches above the grade of the centerline of the nearest adjacent street.

##### **3) Open Space Requirements**

Development under a PUD-O District shall set aside, as a minimum, 25% total site as open space land. Required landscaping, buffering, and non-improved areas may count toward this requirement.

- 4) **Setback from Residential Districts**
  - a. When the PUD-O District abuts a residential zoning district, the minimum rear yard setback and minimum side yard setback requirements of the residential district shall become the minimum rear yard setback and minimum side yard setback requirement, respectively, in the PUD-O along the property line that abuts the residential zoning district.
  - b. Parking lots shall have a minimum setback requirement of either the adjacent residential District where it abuts the rear yard or one foot of side and/or rear yard for every one foot of building height, whichever is greater.
  
- 5) **Perimeter Setback Required**

A setback of 50 feet shall be provided along the perimeter of a PUD-O District. No structures or parking shall be permitted in this setback area. The perimeter setback is intended to be a landscaped buffer. When adjacent to an R-1A, R-1B, E, or R-PUD District, the side and rear perimeter setback areas shall include buffering as required in Section 10.06.B.2. and shall meet the buffer design standards of Section 10.06.C. The applicant may request, or the Zoning Commission may recommend and the Trustees may approve, modifications in the width or use of the perimeter setback when unique conditions or interconnectivity warrant such modifications.
  
- 6) **Other Development Standards**

Development in a PUD-O shall be subject to all other applicable development standards as established in this Resolution including, but not limited to, parking, off-street loading, landscaping, signage, and architectural standards.

**5.05 “PUD-B” Planned Unit Development Business District**

**A) PUD-B District Subtypes**

Applicants for the PUD-B District shall request a subtype classification of either PUD-B-1 or PUD-B-2 Districts based on the proposed uses.

**B) Permitted Uses**

- 1) The permitted uses within the PUD-B-1 District shall be the same as those of the B-1 District.
- 2) The permitted uses within the PUD-B-2 District shall be the same as those of the B-2 District.
- 3) Multiple principal uses and buildings may be located on a single lot.

**C) Development Standards**

1) **Building Height**

- a. The building height standards of the B-1 District shall apply to all PUD-B-1 Districts.
- b. The building height standards of the B-2 District shall apply to all PUD-B-2 Districts.

**ARTICLE 5: "PUD" PLANNED UNIT DEVELOPMENT DISTRICT**  
Section: 5.06 "PUD-I" Planned Unit Development Industrial District

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2) **Maximum Lot Coverage**

The maximum lot coverage in a PUD-B District shall be 80% of the total site, provided, that underground parking structures shall not be included in the lot coverage calculation if the highest point of the garage does not exceed 30 inches above the grade of the centerline of the nearest adjacent street.

3) **Open Space Requirements**

Development under a PUD-B District shall set aside, as a minimum, 20% total site as open space land. Required landscaping, buffering, and non-improved areas may count toward this requirement.

4) **Setback from Residential Districts**

When the PUD-B District abuts a residential zoning district, the minimum rear yard setback and minimum side yard setback requirements of the residential district shall become the minimum rear yard setback and minimum side yard setback requirement, respectively, in the PUD-B along the property line that abuts the residential zoning district.

5) **Perimeter Setback Required**

A setback of 50 feet shall be provided along the perimeter of a PUD-B District. No structures or parking shall be permitted in this setback area. The perimeter setback is intended to be a landscaped buffer. When adjacent to an R-1A, R-1B, E, or R-PUD District, the side and rear perimeter setback areas shall include buffering as required in Section 10.06.B.2. and shall meet the buffer design standards of Section 10.06.C. The applicant may request, or the Zoning Commission may recommend and the Trustees may approve, modifications in the width or use of the perimeter setback when unique conditions or interconnectivity warrant such modifications.

6) **Other Development Standards**

Development in a PUD-B shall be subject to all other applicable development standards as established in this Resolution including, but not limited to, parking, off-street loading, landscaping, signage, and architectural standards.

**5.06 "PUD-I" Planned Unit Development Industrial District**

A) **Permitted Uses**

The permitted uses within the PUD-I District shall be the same as those of the I-1 District. Multiple principal uses and buildings may be located on a single lot.

B) **Development Standards**

1) **Building Height**

The building height standards of the I-1 District shall apply to all PUD-I Districts.

2) **Maximum Lot Coverage**

The maximum lot coverage in a PUD-I District shall be 80% of the total site, provided, that underground parking structures shall not be included in the lot coverage calculation if the highest point of the garage does not exceed 30 inches above the grade of the centerline of the nearest adjacent street.

## ARTICLE 5: "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

### Section: 5.07 "PUD-MU" Planned Multi-Use District

#### 3) **Open Space Requirements**

Development under a PUD-B District shall set aside, as a minimum, 20% total site as open space land. Required landscaping, buffering, and non-improved areas may count toward this requirement.

#### 4) **Setback from Residential Districts**

When the PUD-I District abuts a residential zoning district, the minimum rear yard setback and minimum side yard setback requirements of the residential district shall become the minimum rear yard setback and minimum side yard setback requirement, respectively, in the PUD-I along the property line that abuts the residential zoning district.

#### 5) **Perimeter Setback Required**

A setback of 50 feet shall be provided along the perimeter of a PUD-I District. No structures or parking shall be permitted in this setback area. The perimeter setback is intended to be a landscaped buffer. When adjacent to an R-1A, R-1B, E, or R-PUD District, the side and rear perimeter setback areas shall include buffering as required in Section 10.06.B.2. and shall meet the buffer design standards of Section 10.06.C. The applicant may request, or the Zoning Commission may recommend and the Trustees may approve, modifications in the width or use of the perimeter setback when unique conditions or interconnectivity warrant such modifications.

#### 6) **Other Development Standards**

Development in a PUD-I shall be subject to all other applicable development standards as established in this Resolution including, but not limited to, parking, off-street loading, landscaping, signage, and architectural standards.

### 5.07 "PUD-MU" Planned Multi-Use District

#### A) **Permitted Uses and Density**

- 1) The permitted uses within the PUD-MU District shall be the same as those of the R-1B, O-1, B-1, and B-2 Districts. Uses not specifically listed as allowed in those districts may be permitted if determined by the Zoning Commission or Board of Trustees to be of the same general character.
- 2) The BZC, Board of Township Trustees, or the applicant may limit certain uses within a PUD-MU based on recommendations of the Sugarcreek Township Comprehensive Development Plan.
- 3) Multi-family dwellings may be permitted in the PUD-MU District.
- 4) The density for each development plan will be reviewed on a case-by-case basis taking into account:
  - a. Recommendations from the most recently adopted Comprehensive Development Plan;
  - b. Adjacent land uses;
  - c. Unique features and characteristics of the land;
  - d. Development plan layout; and
  - e. Quality and character of the proposed open space.

## ARTICLE 5: "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

Section: 5.07 "PUD-MU" Planned Multi-Use District

- 5) The density shall be calculated on the gross area of each portion of the development with the same use including open space, less any right-of-way dedication. For example, if a development contains a single-family residential component and a multi-family residential component, density would be calculated for each component, not both components as a whole. Density for a mixed use building(s) shall be calculated on the gross area of the subarea of the development containing the mixed use building(s) including gross open space, less any right-of-way dedication.

### B) Development Standards

#### 1) Building Height

- a. The maximum building height for nonresidential buildings shall be 45 feet unless otherwise approved by the Zoning Commission or Board of Township Trustees.
- b. The maximum building height for residential buildings shall be 35 feet unless otherwise approved by the Zoning Commission or Board of Township Trustees.

#### 2) Open Space

- a. Development under a PUD-MU District shall set aside, as a minimum, 30% total site as open space land. Required landscaping and buffering (as identified in Article 10), and non-improved areas may count toward this requirement.
- b. Open space may be reduced to 20% of the land area if at least 50% of the land is used for commercial uses or mixed-use buildings.
- c. The following uses may be included in this open space:
  - i. Meadows;
  - ii. Woodland preserves;
  - iii. Passive open spaces;
  - iv. Pervious walking or bike trails;
  - v. Lakes and ponds, including retention ponds, that shall include a water feature provided they are maintained in accordance with Article 7.08;
  - vi. Other general open space areas that are pervious;
  - vii. Improved common areas including playgrounds, tot lots, impervious common areas or plazas with outdoor seating, and impervious pedestrian walkways may be included in the open space requirement, provided they do not occupy more than ten percent of the total open space set-aside.
- d. Open space shall be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved.
- e. For the purposes of this article, the following uses shall not be considered open space land:
  - i. Isolated and fragmented pieces of land and areas with any dimension less than 50 feet shall not be considered open space land. Improvements such as pervious trails that would typically have a dimension of less than 50 feet can be included

## ARTICLE 5: "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

Section: 5.07 "PUD-MU" Planned Multi-Use District

as open space as they serve as a piece of an interconnected development amenity;

- ii. Detention areas;
- iii. Streets, right-of-way, internal vehicular circulation drives, and parking areas;
- iv. Private yards, setbacks between project boundary lines and buildings, and landscape islands internal to parking lots.

f. Ownership and maintenance of the open space shall be addressed pursuant to Section 5.13.

### 3) **Setback Requirements**

- a. When the PUD-MU District abuts a residential zoning district, the minimum rear yard setback and minimum side yard setback requirements of the residential district shall become the minimum rear yard setback and minimum side yard setback requirement, respectively, in the PUD-MU along the property line that abuts the residential zoning district.
- b. Subsequent to receiving approval of the PUD-MU Preliminary PUD plan from the Zoning Commission and Board of Trustees, the owner/developer(s) shall establish the front, side, and rear yard setbacks based upon the type of structure, use, and orientation.

### 4) **Minimum PUD-MU Size**

- a. The minimum area for a PUD-MU shall be 20 acres.
- b. Commercial (retail and office) uses shall comprise at least 25% of the overall development area.
- c. Mixed use buildings may be included in the 25% calculation identified in (2) above.

### 5) **Design Standards**

- a. A streetscape design shall be included with all development plans.
- b. Uniform building materials, signage, lighting, and landscaping shall be provided throughout the development or divided by smaller, phased areas or areas of similar uses, as approved by the BZC and Board of Township Trustees.
- c. In order to promote creativity in design, architectural standards will be evaluated on a project by project basis. For a general indication of the architectural elements the Zoning Commission and Board of Township Trustees will expect to see utilized, consult Section 7.05.
- d. All buildings shall maximize the use of natural building materials such as brick, jumbo brick, stone, or cultured stone. The BZC and Board of Township Trustees reserve the right to regulate building materials on each development application on a case-by-case basis.
- e. Metal siding, vinyl siding, and exposed smooth face CMU block is prohibited as an exterior building material on all building elevations visible from a public road right-of-way.
- f. All elevations visible from road rights-of-way shall include window openings at regular intervals. Solid glass facades are discouraged.

**ARTICLE 5: “PUD” PLANNED UNIT DEVELOPMENT DISTRICT**  
Section: 5.08 “PUD-R” Planned Unit Development Residential District

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6) **Other Development Standards**

Development in a PUD-MU shall be subject to all other applicable development standards as established in this Resolution including, but not limited to, parking, off-street loading, landscaping, lot coverage, signage, buffering and architectural standards. Exceptions and variations from the standards provided for the non-planned Zoning Districts of this Resolution may, and should be granted by the Zoning Commission or Board of Trustees when it is determined that due to certain design elements, natural features, and public amenities, the exceptions are warranted.

7) **Circulation and Access**

- a. The PUD-MU shall have direct access from an arterial or collector road without direct primary access through an adjacent residential development.
- b. Pedestrian ways including sidewalks and multi-use paths are required to accommodate safe non-motorized transportation throughout the PUD-MU along internal streets and perimeter roads.
- c. Pedestrian connections linking individual buildings within the PUD-MU to sidewalks and/or paths are required. Likewise, pedestrian connections between the PUD-MU and adjacent neighborhoods are strongly encouraged.
- d. Pedestrian connections to adjacent development and to adjacent roads are required.
- e. Cross access easements to adjacent parcels may be required to provide better circulation and access between adjacent developments.
- f. Private streets are subject to the provisions of Section 7.07 (Private Streets).

**5.08 “PUD-R” Planned Unit Development Residential District**

**A) Applicability**

The PUD-R District shall be limited to:

- 1) Those areas of Sugarcreek Township adjacent to an incorporated area;
- 2) Those areas of Sugarcreek Township adjacent to public land adjacent to an incorporated area; and
- 3) Areas of Sugarcreek Township identified for planned residential development in the Sugarcreek Township Long Range Land Use Plan

**B) Permitted Uses**

- 1) Detached and attached single-family dwelling units subject to the development standards established in this section;
- 2) Multi-family dwelling units subject to the development standards established in this section; and
- 3) Other uses as permitted in the R-1B District.

**C) Maximum Permitted Density**

The density for each development plan will be reviewed on a case-by-case basis taking into account:

- a. Recommendations from the most recently adopted **Sugarcreek Township Long Range Land Use Plan**;

**ARTICLE 5: "PUD" PLANNED UNIT DEVELOPMENT DISTRICT**  
Section: 5.08 "PUD-R" Planned Unit Development Residential District

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- b. Adjacent land uses;
- c. Unique features and characteristics of the land;
- d. Development plan layout;
- e. Quality and character of the proposed open space; and
- f. The maximum density permitted by the adjacent incorporated area and in the case of developments proposed adjacent to municipalities or public land adjacent to municipalities.

**D) Development Standards**

1) **Building Height**

- a. The building height standards of the R-1B District shall apply to all PUD-R Districts.

2) **Open Space Requirements**

- a. Development under a PUD-R District shall strive to set aside, as a goal, 25% total site as open space land.
- b. When a PUD-R District is proposed adjacent to an existing PUD-R or R-PUCD open space area or public land, the proposed PUD-R shall establish open space adjacent thereto to maximize larger pockets of open space.
- c. The following uses may be included in this open space:
  - i. Meadows;
  - ii. Woodland preserves;
  - iii. Passive open spaces;
  - iv. Pervious walking or bike trails;
  - v. Playgrounds, tot lots, impervious pedestrian walking or bike trails and other improved recreational areas which do not occupy more than ten percent of the total open space set-aside.
  - vi. Lakes and ponds, including retention ponds, that shall include a water feature provided they are maintained in accordance with Article 7.08; and
  - vii. Other general open space areas that are pervious and are not disqualified in the following section (c.);
- d. For the purposes of this article, the following uses shall not be considered open space land:
  - i. Isolated and fragmented pieces of land and areas with any dimension less than 50 feet shall not be considered open space land, unless they are adjacent to other permanently protected open space lands abutting the PUD-R. Improvements such as pervious trails that would typically have a dimension of less than 50 feet

**ARTICLE 5: "PUD" PLANNED UNIT DEVELOPMENT DISTRICT**  
Section: 5.08 "PUD-R" Planned Unit Development Residential District

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can be included as open space as they serve as a piece of an interconnected development amenity;

- ii. Detention areas;
  - iii. Schools, churches or other public dedication areas;
  - iv. Pools, tennis courts, basketball courts, and other improved recreational facilities unless permitted as part of Section 5.08 (E)( 2)(b)(v) above;
  - v. Buildings and structures such as clubhouses, community centers and similar buildings that are enclosed and are only available for a fee or solely to the residents of the developments;
  - vi. Streets, right-of-way existing prior to the application and right-of-way dedication, internal vehicular circulation drives, and parking areas; and
  - vii. Private yards.
- e. Open space shall be suitably improved for its intended use.
- f. Ownership and maintenance of the open space shall be addressed pursuant to Section 5.13.

3) **Setback Requirements**

- a. A setback of 50 feet shall be provided if a proposed PUD-R District is adjacent to a non-residential use. The setback is intended to be a landscaped buffer. The applicant may request, or the Zoning Commission may recommend and the Trustees may approve, modifications in the width or use of the setback when unique conditions or interconnectivity warrant such modifications.
- b. No building or structure on any lot that is adjacent to an arterial or major collector street per the Greene County Thoroughfare Plan shall be located closer than 100 feet from the right-of-way of such a street.
- c. Subsequent to receiving approval of the PUD-R Preliminary PUD plan from the Zoning Commission and Board of Trustees, the owner/developer(s) shall establish the front, side, and rear yard setbacks.

4) **Lot Size**

- a. In those cases when a PUD-R is being proposed next to an existing recorded subdivision, the lots of the PUD-R that abut the existing subdivision shall be, at a minimum 80% of the average size of the abutting lots. Smaller lots adjacent to an existing recorded subdivision may be considered if the proposed PUD-R is consistent with the Sugarcreek Township Long Range Land Use Plan and the proposed development is determined to have an appropriate buffer and quality level.

5) **Pedestrian/Biker Accessibility**

- a. Development of the property shall include the installation of a ten (10) foot wide asphalt bike path or equivalent along the right-of-way of any abutting collector or arterial street. Said path must be stubbed to the boundaries of the property to allow for future connectivity.

6) **Design Standards**

- a. Quality of design shall be considered when reviewing all PUD-R applications. Design standards may include:
  - i. The use of unique street design and landscaping;
  - ii. The use of a sufficient number of house types to avoid a monotonous streetscape;
  - iii. The incorporation of limitations on the use of certain building materials, including vinyl siding (see 6 below);
  - iv. The incorporation of hiker/biker trails to the extent reasonably possible and desirable;
  - v. The incorporation of ponds or other water features to the extent reasonably possible and desirable; and
  - vi. The use of attached or detached garages that are setback a minimum of five (5) feet from the front façade of the dwelling and/or the use of side-loaded garages.

7) **Building Materials**

All PUD-R developments shall maximize the use of natural building materials. The Zoning Commission and Board of Trustees reserve the right to regulate building materials on each development plan on a case by case basis

8) **Miscellaneous Requirements**

- a. It is the responsibility of the owner/developer to install street signs in approved PUD-R subdivisions.

9) **Other Development Standards**

Development in a PUD-R shall be subject to all other applicable development standards as established in this Resolution including, but not limited to, standards for accessory uses and structures, parking, lighting, and signage. Exceptions and variations from the standards provided for the non-planned Zoning Districts of this Resolution may, and should be granted by the Zoning Commission or Board of Trustees when it is determined that due to certain design elements, natural features, the exceptions are warranted.

10) **Design Flexibility**

The Zoning Commission may recommend waiving or modifying any of the PUD-R District standards, taking into consideration the standards of the adjacent incorporated area and adjacent development.

**5.09 Review Procedures for PUD Districts**

All PUD District applications shall be subject to the following review:

A) **Pre-Application Consultations**

The applicant is encouraged to initiate informal consultations with the Zoning Compliance Officer, the Greene County Regional Planning and Coordinating Commission (RPCC) staff, county engineer, and sanitary engineer (if applicable) prior to filing an application. No statement or representation by such persons shall be binding on the Township or any of its staff or Boards.

## ARTICLE 5: "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

### Section: 5.09 Review Procedures for PUD Districts

#### B) Authority to File Applications

A request for a PUD District may only be initiated by the owner(s) of the property, their legal representative(s), or any other authorized representative, any of whom are herein referred to as the "applicant".

#### C) Application with Submission of the Preliminary Development Application

- 1) The application shall include all such forms, maps, and information, as may be prescribed for that purpose by the BZC to assure the fullest practicable presentation of the facts for review and the permanent record.
- 2) All applications shall be submitted with the required fees as established in the Sugarcreek Township fee schedule.
- 3) The applicant shall submit the preliminary development application simultaneously with the application for a zoning map amendment.
- 4) The preliminary development application shall be submitted as part of the PUD District application.
- 5) The preliminary development application shall be submitted for the entire development as a whole and cannot be phased.

#### D) Referral to the Greene County Regional Planning and Coordinating Commission (RPCC)

- 1) Within five days of the submission of an application and preliminary development application, the Township shall transmit a copy thereto to the Greene County Regional Planning and Coordinating Commission.
- 2) The Greene County Regional Planning and Coordinating Commission shall recommend the approval, approval with modifications, or denial of the proposed map amendment and preliminary development application, and shall submit a written recommendation to the BZC.
- 3) Such recommendation shall be considered at the public hearing held by the BZC on such proposed PUD District zoning amendment and preliminary development application.

#### E) Township Review and Public Hearing with the BZC

- 1) Upon the filing of an application and preliminary development application for a PUD zoning amendment, the BZC shall set a date for a public hearing regarding the proposed amendment and preliminary development application.
- 2) The public hearing shall not be less than 20 or more than 40 days after the date the application was submitted.
- 3) Notification of the public hearing shall be given in accordance with Section 519.12 of the ORC.
- 4) Prior to the public hearing, Township staff or their designee shall study the material received, and confer with other government agencies as appropriate to determine general acceptability of the proposal submitted. Township staff shall provide a copy of any comments from such agencies to the BZC. At a minimum, Township staff will consult with the county engineer, county sanitary engineer, and RPCC staff.
- 5) After the public hearing is opened, the hearing may be continued to allow for additional discussions between the applicant and the BZC.

**F) Recommendation by the BZC**

- 1) Within 30 days after the BZC's public hearing is closed, the BZC shall recommend the approval, approval with modifications, or denial of the proposed amendment and preliminary development application, and submit a written recommendation together with such application, preliminary development application, and recommendation of the Greene County Regional Planning and Coordinating Commission to the Board of Township Trustees.
- 2) The recommendation and any record forwarded to the Board of Township Trustees may include information on any agreements between the applicant and the BZC as to the changes to be made to the preliminary development application. The record may also include any information on issues where no agreement is made between the BZC and the applicant, including any information on the reasons for the disagreement.
- 3) Such recommendation and record shall be forwarded to the applicant, in writing, at the same time it is forwarded to the Board of Township Trustees.

**G) Review and Public Hearing with the Board of Township Trustees**

- 1) Upon receipt of the recommendation from the BZC, the Board of Township Trustees shall set a time for a public hearing on such proposed amendment and preliminary development application.
- 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 BZC.
- 3) Notification of the public hearing shall be given in accordance with Section 519.12 of the ORC.
- 4) After the public hearing is opened, the hearing may be continued to allow for additional discussions between the applicant and the Board of Township Trustees.

**H) Decision on Map Amendment and Preliminary Development Application**

- 1) Within 20 days after its public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the BZC, or adopt some modification thereof in accordance with Section 519.12 of the Ohio Revised Code. Such decision shall be made in writing. A simple majority vote among the Board of Township Trustees shall be required for adoption with modifications of the BZC written recommendation.
- 2) The Board of Township Trustees' decision on the zoning map amendment and the preliminary development application is a legislative action of the Board of Township Trustees and is subject to the same effective date and referendum provisions as set forth in this Resolution and the ORC. After approval of the PUD District map amendment and preliminary development application, and after the subsequent referendum period has ended, the Official Zoning Map shall be changed to reflect this amendment.
- 3) Once an amendment to a PUD District is effective, the application requirements for PUD Districts in this article, along with the approved preliminary development application, and any approved conditions, shall apply to the future development of the property.

**I) Submission of a Final Development Application**

- 1) Once the PUD District and preliminary development application has been approved by the Board of Township Trustees, the applicant shall proceed with the preparation of the final development application(s) in whole or in phases.
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## ARTICLE 5: "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

### Section: 5.09 Review Procedures for PUD Districts

- 2) The final development application shall be submitted in a form and in quantities as prescribed by the BZC. Such submission shall also include the required fee as established by the Township.
- 3) The final development application shall be consistent with the applicable PUD District requirements in this Resolution and the contents of the approved preliminary development application.
- 4) A final development application shall include all necessary legal documentation relating to the incorporation of a property owner's association for the purpose of maintaining the specified common open space within all PUD Districts (if applicable).

#### J) **Public Hearing with the BZC**

- 1) Upon the filing of final development application for a PUD District, the BZC shall set a date for a public hearing regarding final development application.
- 2) The public hearing shall be held within 30 days after the date the final development application was submitted.
- 3) Notification of the public hearing shall be the same as required for a zoning amendment as identified in Section 519.12 of the ORC, however, the review of a final development application shall be administrative in nature and is not an amendment to the zoning map or Zoning Resolution.
- 4) Sugarcreek Township Staff shall study the final development application and confer with other agencies having jurisdiction as appropriate in the case, to determine general acceptability of the proposal submitted. Township staff shall provide a copy of any comments from such agencies to the BZC.
- 5) Upon receipt of the final development application and comments from staff, the BZC shall, at a public hearing, study and review the final development application to determine whether all requirements have been satisfied, and the conditions specified in Section 5.09 have been met.
- 6) After the public hearing is opened, the hearing may be continued to allow for additional discussions between the applicant and the BZC.

#### K) **Recommendation by the BZC**

- 1) Within 30 days after the BZC's public hearing is closed, the BZC shall recommend the approval, approval with modifications, or denial of the final development application, and submit a written recommendation together with such application to the Board of Township Trustees.
- 2) The recommendation and any record forwarded to the Board of Township Trustees may include information on any agreements between the applicant and the BZC as to the changes to be made to the final development application. The record may also include any information on issues where no agreement is made between the BZC and the applicant, including any information on the reasons for the disagreement.
- 3) Such recommendation and record shall be forwarded to the applicant, in writing, at the same time it is forwarded to the Board of Township Trustees.

**ARTICLE 5: "PUD" PLANNED UNIT DEVELOPMENT DISTRICT**

Section: 5.10 Approval Criteria for the Preliminary Development Application and Final Development Application

**L) Review and Public Hearing with the Board of Township Trustees**

- 1) Upon receipt of the recommendation from the BZC, the Board of Township Trustees shall set a time for a public hearing on such proposed final development application.
- 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 BZC.
- 3) Notification of the public hearing shall be the same as required for a zoning amendment as identified in Section 519.12 of the ORC, however, the review of a final development application shall be administrative in nature and is not an amendment to the zoning map or Zoning Resolution.
- 4) After the public hearing is opened, the hearing may be continued to allow for additional discussions between the applicant and the Board of Township Trustees.

**M) Decision on Final Development Application**

- 1) Within 20 days after its public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the BZC, or adopt some modification thereof in accordance with Section 519.12 of the Ohio Revised Code. Such decision shall be made in writing. A simple majority vote among the Board of Township Trustees shall be required for adoption with modifications of the BZC written recommendation.
- 2) The Board of Township Trustees' decision on the final development application is an administrative decision and is not subject to the referendum provisions as set forth in this Resolution and the ORC. The decision of the Board of Township Trustees constitutes a final appealable order and as such, may be appealed to the Common Pleas Court pursuant to Chapter 2506 of the Ohio Revised Code.
- 3) Upon approval of the final development application, the application requirements for PUDs in this article, along with the approved final development application, and any approved conditions, shall apply to the future development of the property.

**5.10 Approval Criteria for the Preliminary Development Application and Final Development Application**

**A) Approval Criteria for a Preliminary Development Application**

The following criteria shall serve as conditions that should be satisfied before the approval of the preliminary development application:

- 1) The PUD application and preliminary development application are consistent with the recommendations of the Sugarcreek Township Comprehensive Development Plan and the requirements of this Resolution.
- 2) The internal streets and primary and secondary roads that are proposed properly interconnect with the surrounding existing road network. A traffic impact study may be required and reviewed by the Greene County Engineer's Office. Cross access easements or stubbed streets to adjacent parcels may be required to facilitate better traffic flow.
- 3) The site will be accessible from public roads that are generally adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site will be adequate to serve the residents or occupants of the proposed development.

## ARTICLE 5: "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

### Section: 5.10 Approval Criteria for the Preliminary Development Application and Final Development Application

- 4) The proposed development will not impose an undue burden on public services and facilities such as fire and police protection, the transportation network, the school system, and the water and sewer services.
- 5) The minimum common open space areas have been designated and shall be duly transferred to a legally established homeowners or property owners association, where applicable, or have been addressed in a form established in this article;
- 6) The location and arrangement of residential, nonresidential, and accessory structures, parking areas, walks, pedestrian ways, lighting and appurtenant facilities shall be compatible with the surrounding land uses. Any part of a PUD not used for residential and accessory structures or access ways shall be landscaped or otherwise improved and identified with proposed uses unless specified as part of an open space land in accordance with this article as approved by the BZC.
- 7) The preliminary development application has been transmitted to, and comments have been received from, all other agencies and departments charged with responsibility of review.

#### B) Approval Criteria for a Final Development Application

The following criteria shall serve as conditions that should generally be satisfied before the approval of the final development application:

- 1) Appropriate arrangements with the applicant have been made to ensure the accomplishment of the public improvements and reservation of common open space as indicated on the preliminary development application and final development application. If deemed necessary by the Board of Township Trustees during the preliminary development application approval process, this assurance may require that the Board of Township Trustees require a bond to ensure the successful and proper completion of such improvements.
- 2) The proposed final development application for an individual section of the overall PUD is consistent in contents (building location--as applicable, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved preliminary development application and the Sugarcreek Township Comprehensive Development Plan.
- 3) Each individual phase of the development can exist as an independent unit that is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained.
- 4) 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 BZC, left in its natural state.
- 5) That any exception from the design standards provided in the PUD District is warranted by the design and amenities incorporated in the final development application.
- 6) That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development.
- 7) That the final development application is consistent with the intent and purpose of Article 1 of this Resolution.
- 8) The final development application has been transmitted to, and comments have been received from, all other agencies and departments charged with responsibility of review.

- 9) The final development application contains such proposed covenants, easements and other provisions relating to the proposed development standards as reasonably required for the public health, safety and welfare.
- 10) A schedule or timeline shall be submitted that details when the planned open space amenities and buffers will be installed. If the PUD contains multiple lots to be developed over a period of time, no more than 25% of the lots should be built on before the planned amenities and buffers are installed. However, the Zoning Commission or Board of Township Trustees may modify this requirement based on the specifics of each case.

**5.11 Time Limits**

- A) The final development application for the first phase of the project shall be submitted within two years after the effective date of the approval of the preliminary development application by the Board of Township Trustees, or the approval of the preliminary development application will expire and the plan will be deemed null and void.
- B) Upon expiration of the preliminary development application, the property shall still be zoned as a PUD District with a voided preliminary development application. The property owner or authorized agent may submit an application and new preliminary development application for consideration pursuant to this Resolution or an application for a zoning map amendment to another district.
- C) Upon the expiration of the preliminary development application, the Board of Township Trustees or the BZC may initiate a zoning map amendment to change the PUD zoning on the property to another district.
- D) If the applicant has not received any building permits within three-years of the approval of the final development application, the final development application shall be deemed null and void. Upon expiration of the final development application, the applicant shall have one-year to reapply for a final development application in accordance with the section or the preliminary development application will be deemed null and void in accordance with Paragraph (A) above.
- E) The BZC or Board of Township Trustees may authorize an extension of these time limits if good cause is shown for the delay of the final development application submission or issuance of building permits.
- F) For phased developments, the BZC or Board of Township Trustees may approve a phased final development application schedule as part of the preliminary development application approval. In such case, the approved time frames shall establish when the approved preliminary plan shall expire.

**5.12 Modifications to Approved Preliminary or Final Development Applications**

- A) If an applicant proposes to modify an approved preliminary development application or final development application, the applicant shall submit the proposed modifications to the Zoning Compliance Officer for transmittal to the appropriate authority.
- B) The proposed modifications shall be classified as a minor or major modification based on the following:

## ARTICLE 5: "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

### Section: 5.13 Effect of a Final Development Application

#### 1) **Minor Modifications**

Minor modifications shall include changes that do not involve:

- a. Major changes to the approved plan including, but not limited to, a change of use or density to a more intense use than permitted by the approved plans or changes to the location or amount of land designated for a specific land use or open space;
- b. A change of the permitted uses to a use not otherwise permitted in the proposed PUD district;
- c. Any change to internal street patterns that will alter the intersection points with existing streets; or
- d. An expansion of a building footprint that affects the specified setbacks from perimeter property lines of the approved plan.

#### 2) **Major Modifications**

Major modifications shall include:

- a. An increase in intensity of the principal use(s);
- b. Changes to the property or project boundaries of the entire PUD District (if additional lands are to be added to the PUD District, the modification will mandate a zoning map amendment);
- c. Modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations; or
- d. Anything not classified as a minor modification above.

#### 3) **Review of Minor Modifications**

- a. The BZC shall be responsible for reviewing and making a decision on minor modifications to an approved preliminary development application or final development application.
- b. Such review and decision shall take place at a public meeting of the BZC and shall not require any additional notice beyond what is required by the Ohio Revised Code for public hearings.
- c. The decision of the BZC on minor modifications shall be deemed administrative.

#### 4) **Review of Major Modifications**

- a. Major modifications to an approved preliminary development application or final development applications shall require a public hearing with the BZC and Board of Township Trustees pursuant to the review procedure established in this article.
- b. If a preliminary development application is amended, any future final development application shall comply with the amended preliminary development application.

### 5.13 Effect of a Final Development Application

- A) The approved final development application shall be kept on record in the Township offices, together with all Resolutions, applications, plats, plans, and other information regarding the development.

## ARTICLE 5: "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

### Section: 5.14 Open Space Ownership and Maintenance

- B) The Resolutions prepared by the BZC and Board of Township Trustees serve as the official record for the permitted uses and activities which are approved for the property in the PUD.
- C) The use of the PUD property or the location, erection, construction, reconstruction, enlargement, or change of any building or structure in a manner which is not consistent with the final development application shall be considered a violation of this Resolution and subject to the procedures and penalties specified in this Resolution.

#### 5.14 Open Space Ownership and Maintenance

- A) Any open space preserved as part of one of the PUD types shall be preserved or used in a manner established within the specific PUD and shall be either:
  - a. Owned by the township, county, state, park district, or a private trust or conservation group as may be approved by the township and subject to acceptance by the appropriate legislative body; or
  - b. Owned jointly or in common by the owners of the building lots with maintenance provided through a homeowner's or property owner's association; and/or
  - c. Any combination of the above.
- B) Further subdivision of the open space or its use for other than those uses prescribed in the approved preliminary and final PUD plans shall be prohibited. Structures and buildings accessory to the open space may be erected on the open space, subject to review by the Zoning Commission and Board of Trustees. Any restrictions on the established open space shall be memorialized on the recorded subdivision plat or deed.
- C) **Homeowner's or Property Owner's Associations**
  - a. If any portion of the open space is to be owned jointly or in common by the owners of the building lots then a homeowner's or property owner's association shall be established to permanently maintain all such open space and common areas.
  - b. All recorded homeowner's and or property owner's association agreements shall be submitted to the Zoning Commission and Board of Trustees for approval prior to permits being granted. Copies of the proposed covenants, articles of incorporation, and bylaws of the homeowner's or property owner's associations shall be submitted with said agreements. No set of proposed covenants, articles of incorporation, or bylaws or a homeowner's or property owner's association shall permit the abrogation of any duties set forth in this section.
  - c. All homeowner's or property owner's associations shall guarantee the maintenance of all open space and common areas within the boundaries of the development such homeowner's or property owner's association was created for. In the event of a failure to maintain such open space or common areas, the township may do the following:
    - i. If the open space or common area is owned jointly or in common by the owner of the building lots, or by any other owner of the property to be maintained or preserved, the township may seek to enforce the homeowner's or property owner's association's non-performance of its obligations and duties through an injunction or other civil remedy.

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**ARTICLE 6: RESIDENTIAL PLANNED UNIT CONSERVATION DEVELOPMENT DISTRICT (R-PUCD)**

**6.01 Compliance with Plans**

PD-R Planned Development Residential Districts approved prior to the effective date of this Resolution shall be renamed to R-PUCD. New residential planned development shall be reviewed through the PUD-R (Planned Unit Development Residential District) provisions of Article 5.08 or the R-PUCD provisions this article. As a historical reference, at the effective date of this Resolution, existing planned residential developments, formerly referred to as PD-Rs, were renamed R-PUDs. With the revisions to this Resolution effective 9/5/2013, the R-PUD District was renamed the R-PUCD District and all existing R-PUDs were renamed R-PUCD for the utility of the Zoning Map classification scheme.

**6.02 Permitted Principal Uses**

Principally permitted uses are as follows:

- A) Agricultural uses;
- B) Single family dwelling units subject to the overall land use density, open space and design guideline provisions established in this article;
- C) Two-family and multi-family dwelling units subject to the overall land use density, open space and design guideline provisions established in this article and provided that the total number of multi-family dwelling units shall not exceed ten percent of the total number of dwelling units in the R-PUCD. This maximum percentage shall not apply to active adult housing developments as specified in Section 6.05 (D)(5) ; and
- D) Other uses as permitted in the R-1B district.

**6.03 Permitted Accessory Uses and Structures**

Permitted accessory uses are as follows:

- A) Accessory buildings;
- B) Home occupations; and
- C) Any use or structure customarily accessory and incidental to any of the permitted uses as defined in Section 6.03 and as allowed in the R-1B district.

**6.04 Minimum Development Standards**

**A) Minimum R-PUCD District Size**

The minimum amount of land required for an R-PUCD District shall be 20 acres. In cases of infill development, the BZC may consider smaller parcels.

**B) Permitted Number of Dwelling Units**

- 1) The maximum permitted number of dwelling units in an R-PUCD project shall be determined on a case by case basis taking into consideration the following:

**ARTICLE 6: RESIDENTIAL PLANNED UNIT CONSERVATION DEVELOPMENT DISTRICT (R-PUCD)**

Section: 6.04 Minimum Development Standards

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- a. Recommendations from the most recently adopted Comprehensive Development Plan;
  - b. Adjacent land uses;
  - c. Unique features and characteristics of the land;
  - d. Development plan layout;
  - e. Quality and character of the proposed open space; and
  - f. The maximum density permitted by the adjacent incorporated area, as applicable
- 2) In no case shall density shall exceed two dwelling units per acre, except as provided for in 6.04 D.

**C) Minimum Required Open Space**

- 1) Development under an R-PUCD shall set aside, at a minimum, 50% of the total project area for open space.
- 2) The “open space land” shall be utilized only for conservation, agricultural or non-commercial recreational (See subsections 3 and 4 below.) purposes and shall be either:
  - a. Owned and/or held by the Township, county, state, or park district subject to acceptance by the appropriate legislative body; or
  - b. Protected by a duly executed and recorded conservation easement as outlined in Subsection 5 below; and/or
  - c. Owned jointly or in common by the owners of the building lots with maintenance provided through a homeowners’ association.
- 3) For the purpose of this article, the following types of areas may be considered “open space land” consistent with Sections 6.05 (C)(1) and (2):
  - a. Farm fields, meadows, and farm preserves;
  - b. Woodland preserves;
  - c. Passive open spaces;
  - d. Public access open space;
  - e. Walking or bike trails;
  - f. Playgrounds, tot lots, and other improved recreational areas which are accessible to the general public and which do not occupy more than five percent of the total 50 percent open space set-aside;
  - g. Lakes and ponds, including retention ponds, provided they are maintained in accordance with Article 7.08;
  - h. Scenic vistas and corridors; and
  - i. Other general open spaces that are not disqualified in the following section (4).
- 4) For the purpose of this article, the following uses shall not be considered “open space land” consistent with Sections 6.05 (C)(1) and (2) but may be included in the development applications as an additional amenity to the property owners:
  - a. Areas with any dimension less than 100 feet (excluding improvements such as trails);
  - b. Detention areas;

**ARTICLE 6: RESIDENTIAL PLANNED UNIT CONSERVATION DEVELOPMENT DISTRICT (R-PUCD)**

Section: 6.04 Minimum Development Standards

- c. Easements, other than conservation easements, placed on the property;
- d. Schools, churches, or other public dedication areas;
- e. Pools, tennis courts, basketball courts, and other improved recreational facilities unless permitted as part of Section 6.05 (C)(3)(f) above.
- f. Buildings and structures such as clubhouses, community centers, and similar buildings that are enclosed and are only available for a fee or solely to the residents of the development; and
- g. Streets, right-of-way existing prior to the application and right-of-way dedication, internal vehicular circulation drives, and parking areas.

5) **Conservation Easements**

- a. If an applicant chooses to record conservation easements to satisfy the open space requirements under this article, prior to the recording of the R-PUCD subdivision, any such recorded conservation easement shall:
    - i. Run with the land, regardless of ownership;
    - ii. Provide for protection of the land in perpetuity;
    - iii. Establish as the grantee the Township, a Township approved land trust, or other qualified organization approved by the Township, or identify as the holder the Township or another proper entity under Sections 5301.67 and 5301.68 of the ORC.
    - iv. Be solely for the purpose of ensuring the land remains undeveloped; and
    - v. Shall not, in any way, imply the right of public access or any other right or duty not expressly established by the terms of the easement.
  - b. While the Township, Township approved land trust, or other qualified organization may serve as the grantee of the conservation easement, the property itself shall still be owned by the original property owner, the developer (applicant of the R-PUCD), or the homeowners' association.
  - c. The conservation easement shall include information on how the property will be maintained by the property owner and shall also state that failure to maintain the property in accordance with the conservation easement agreements shall be considered a violation of this Zoning Resolution. In addition, the holder of the easement may pursue any remedy provided by law or equity, including, but not limited to, the remedies in Section 5301.70 of the Ohio Revised Code.
- 6) Further subdivision of the open space or its use for other than those uses prescribed in the approved preliminary and final development applications shall be prohibited after approval of the final development application. Structures and buildings accessory to conservation, agriculture or non-commercial recreation may be erected on the open space, subject to the review of the site by the BZC. Any restrictions on the established open space shall be memorialized in a conservation easement consistent with the provisions of Section 6.05 (C)(5).

7) **Homeowner's Associations**

- a. A homeowner's association shall be established to permanently maintain all open space and common areas not dedicated to and owned by the Township, county, state, or park district.
- b. All homeowner's association agreements shall be submitted to the Board of Township Trustees for approval prior to the issuance of Zoning certificates. Copies of the proposed covenants, articles of incorporation, and bylaws of the homeowner's association shall be submitted with said agreements. No set of proposed covenants, articles of incorporation, or bylaws of a homeowner's association shall permit the abrogation of any duties set forth in this section.
- c. All homeowner's associations shall guarantee the maintenance of all open space and common areas, in accordance with any applicable Township maintenance Resolutions, within the boundaries of the development such homeowner's association was created for. In the event of a failure to maintain such open space or common areas, the Township may do any of the following:
  - i. If the open space or common area is owned by the Township, county, state or a 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 penalty.
  - ii. If the open space or common area exists pursuant to a conservation easement, the Township may seek to enforce the terms of the easement as provided in Section 6.05 (C)(7).
  - iii. 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 homeowner's association's non-performance of its obligations and duties through an injunction or any other civil remedy.

**D) Density Bonus Option for Active Adult Housing Developments**

- 1) Under certain instances, as specified herein, the BZC may recommend to the Board of Township Trustees to permit increased density and/or permitted number of dwelling units.
- 2) Such incentive shall only be considered if the applicant chooses to submit to the R-PUCD Review with Concept Plan as outlined in Section 6.07 (E) and meets the requirements of this subsection.
- 3) The purpose of the incentive is to encourage development projects that provide certain community benefits or amenities and that use development methods that preserve land, reduce sprawl, and support the goals adopted in the Sugarcreek Township Comprehensive Development Plan.
- 4) **Density Bonus**
  - a. Applications that incorporate active adult housing developments may be eligible for an increase of up to 20 percent of the maximum permitted number of dwelling units as defined in Section 6.05 (B) and based on the formula defined in (b) below.

- b. To receive a density bonus as outlined in (a) above, 60% of the total number of dwelling units proposed must be identified as active adult development. In addition to this 60% requirement, for each 1% in increased density over that permitted in 6.05 (B), an additional 1% of the total number of dwelling units must be identified as active adult development. For example, if 100 dwelling units are permitted per 6.05 (B) and a density bonus of 10% is sought (for a total of 110 dwelling units), 70% of the total number of dwelling units or 77 units (110\*.70) must be identified as active adult development.
- c. Active adult housing developments shall be defined as those developments that have been funded through the U.S. Department of Housing and Urban Development as part of the Housing for Older Persons Act of 1995.
- d. Applicants will be required to demonstrate that the dwelling units are designed or targeted for active adults (55 years old or older) in order to receive the dwelling unit bonus.
- e. Incentives may be discussed during the Concept Plan review phase but the density bonus shall not be officially approved until the preliminary development application phase when the applicant can provide a copy of the deed restrictions, covenants or other information to document the percentage of the total dwelling units designed or targeted for active adults (55 years old or older).

**5) Qualifications for Density Bonuses**

To evaluate the adequacy of the proposed project and added benefits to be accepted in exchange for the incentive, the applicant shall provide the following information:

- a. A description of the proposed project design and its other features and amenities that will benefit the community and their relationship to the Comprehensive Development Plan.
- b. A description of how the amenity exceeds the basic requirements of this article.

**6.05 Design Guidelines for R-PUCDs**

Development within an R-PUCD shall be subject to the design guidelines of this section, which ensures that such projects are harmonious with the recommendations of the Sugarcreek Township Comprehensive Development Plan.

**A) General Development Standards**

- 1) Lots shall be situated in locations least likely to block scenic vistas as seen from public roadways.
- 2) In no case shall lots be reduced in size to a lot area of less than 5,000 square feet to allow for sufficient room for dwelling units, yards, and accessory units.
- 3) The minimum lot width shall be 50 feet.
- 4) Lots of less than 8,000 square feet shall have garages that are either:
  - a. Rear-loaded; or
  - b. Set back a minimum of five feet from the front façade of the remainder of the house.

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**B) Setback Requirements**

- 1) A setback of 50 feet shall be provided along the perimeter of an R-PUCD District. No structures or parking shall be permitted in this setback area. The perimeter setback is intended to be a landscaped buffer. The applicant may request, or the Zoning Commission may recommend and the Trustees may approve, modifications in the width or use of the perimeter setback when unique conditions warrant such modifications.
- 2) No building or structure on any lot that is adjacent to an arterial or major collector street per the Greene County Thoroughfare Plan shall be located closer than 100 feet from the right-of-way of such a street.
- 3) There shall be a minimum distance of 60 feet between the rear facades of any two homes and 10 feet between the side facades of any two homes.
- 4) The minimum front yard setback shall be 25 feet, however, the face of any front-loading garage shall be setback 30 feet from the street right-of-way. For homes that have frontage along a county road, the minimum front yard setback shall be 40 feet.

**C) General Site Development Standards**

- 1) Where dedicated open space exists on an adjacent parcel or in an adjacent development, the lots shall be situated such that the open space areas connect with similar areas on adjacent parcels or developments.
- 2) For developments in unsewered areas, the development shall be located, to the maximum extent feasible, on the most suitable soils for sub-surface septic disposal as regulated in this article or, as approved by the Greene County Combined Health District.
- 3) For developments where the intent is to preserve farmland and agricultural uses, development shall be contained on the least fertile soils for agricultural uses, and in such a manner, which maximizes the usable area for such agricultural use, preserving cropland, pasture and meadows. Least fertile soils for agricultural uses shall be as identified in the Soil Survey of Greene County by the United States Department of Agriculture Soil Conservation Service and the Ohio Department of Natural Resources.
- 4) The development should work with existing hedgerows and tree lines, preserving as much of these natural features as possible.
- 5) Structures and roadways should be sited at forest edges or shall otherwise be designed to maximize the amount of contiguous forest left intact.
- 6) Buffering, through the use of existing topography and vegetation or the creation of such with grading and native vegetation, shall be situated within the proposed project reducing the visibility of development along rural roads and between agricultural uses and the proposed project.
- 7) Buildings and roads shall be designed to promote a sense of community within the subdivision. This may be achieved by creating focal points such as parks, and achieving appropriate spatial relationships among buildings and with open space, roads, and adjacent properties and activities.

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- 8) A pedestrian circulation system shall be included in development and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian circulation system shall provide connections between properties and activities or special features with the restricted open space system and need not always be located along streets (the waiver of required sidewalks along streets is subject to review and approval by the Greene County Planning and Coordinating Commission).

## **6.06 Review Procedures for R-PUCD Districts**

### **A) Types of Review Procedures**

There shall be two distinct types of Review Procedures for establishing an R-PUCD District as described below:

#### **1) Basic R-PUCD Review**

- a. Under the Basic R-PUCD Review, an applicant shall submit a preliminary development application along with the application for a rezoning to an R-PUCD District and upon approval of the preliminary development application, shall be required to submit a final development application to the Township for approval all in accordance with the provisions of this article.
- b. Applications under the Basic R-PUCD Review shall meet all of the standards established in this article without any modifications or exemptions as may be permitted under Sections 6.05 (B)(3) or 6.05 (D).

#### **2) R-PUCD Review with Concept Plan**

- a. If the applicant desires to seek exemptions or density bonuses pursuant to Sections 6.05 (B)(3) or 6.05 (D) the applicant must complete additional tasks, outlined in Section 6.07 (E), that include a site visit with the BZC and review and approval of a Concept Plan.
- b. Following approval of the Concept Plan, the applicant shall be subject to the Basic R-PUCD Review as established in Section 6.07 (C).

### **B) Pre-Application Consultations**

The applicant is encouraged to initiate informal consultations with the Zoning Compliance Officer, the Greene County Regional Planning and Coordinating Commission (RPCC) staff, County Engineer, and sanitary engineer prior to filing an application. No statement or representation by such persons shall be binding on the Township or any of its staff or Boards.

### **C) Basic R-PUCD Review**

All R-PUCD applications shall be subject to the Basic R-PUCD Review as follows:

#### **1) Authority to File Applications**

A request for an R-PUCD may only be initiated by the owner(s) of the property, their legal representative(s), or any other authorized representative, any of whom are herein referred to as the "applicant".

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- 2) **Application with Submission of the Preliminary Development Application**
- a. The application shall include all such forms, maps, and information, as may be prescribed for that purpose by the BZC to assure the fullest practicable presentation of the facts for review and the permanent record.
  - b. All applications shall be submitted with the required fees as established in the Sugarcreek Township fee schedule.
  - c. The applicant shall submit the preliminary development application simultaneously with the application for a zoning map amendment.
  - d. The preliminary development application shall be submitted as part of the R-PUCD application.
  - e. The preliminary development application shall be submitted for the entire development as a whole and cannot be submitted in phases.
- 3) **Referral to the Greene County Regional Planning and Coordinating Commission (RPCC)**
- a. Within five days of the submission of an application and preliminary development application, the Township shall transmit a copy thereto to the Greene County Regional Planning and Coordinating Commission.
  - b. The Greene County Regional Planning and Coordinating Commission shall recommend the approval, approval with modifications, or denial of the proposed map amendment and preliminary development application, and shall submit a written recommendation to the BZC.
  - c. Such recommendation shall be considered at the public hearing held by the BZC on such proposed R-PUD zoning amendment and preliminary development application.
- 4) **Township Review and Public Hearing with the BZC**
- a. Upon the filing of an application and preliminary development application for an R-PUCD zoning amendment, the BZC shall set a date for a public hearing regarding the proposed amendment and preliminary development application.
  - b. The public hearing shall not be less than 20 or more than 40 days after the date the application was submitted.
  - c. Notification of the public hearing shall be given in accordance with Section 519.12 of the ORC.
  - d. Prior to the public hearing, Township staff or their designee shall study the material received, and confer with other government agencies as appropriate to determine general acceptability of the proposal submitted. Township staff shall provide a copy of any comments from such agencies to the BZC. At a minimum, Township staff will consult with the County Engineer, County Sanitary Engineer, and RPCC staff.
  - e. After the public hearing is opened, the hearing may be continued to allow for additional discussions between the applicant and the BZC.

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5) **Recommendation by the BZC**

- a. Within 30 days after the BZC's public hearing is closed, the BZC shall recommend the approval, approval with modifications, or denial of the proposed amendment and preliminary development application, and submit a written recommendation together with such application, preliminary development application, and recommendation of the Greene County Regional Planning and Coordinating Commission to the Sugarcreek Township Board of Township Trustees.
- b. The recommendation and any record forwarded to the Board of Township Trustees may include information on any agreements between the applicant and the BZC as to the changes to be made to the preliminary development application. The record may also include any information on issues where no agreement is made between the BZC and the applicant, including any information on the reasons for the disagreement.
- c. Such recommendation and record shall be forwarded to the applicant, in writing, at the same time it is forwarded to the Board of Township Trustees.

6) **Review and Public Hearing with the Board of Township Trustees**

- a. Upon receipt of the written recommendation from the BZC, the Board of Township Trustees shall set a time for a public hearing on such proposed amendment and preliminary development application.
- 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 BZC.
- c. Notification of the public hearing shall be given in accordance with Section 519.12 of the ORC.
- d. After the public hearing is opened, the hearing may be continued to allow for additional discussions between the applicant and the Board of Township Trustees.

7) **Decision on Map Amendment and Preliminary Development Application**

- a. Within 20 days after its public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the BZC, or adopt some modification thereof in accordance with Section 519.12 of the Ohio Revised Code. Such decision shall be made in writing. A simple majority vote among the Board of Township Trustees shall be required for adoption with modifications of the BZC written recommendation.
- b. The Board of Trustees' decision on the zoning map amendment and the preliminary development application is a legislative action of the Board of Township Trustees and is subject to the same effective date and referendum provisions as set forth in this Resolution and the ORC. After approval of the R-PUCD District map amendment and preliminary development application, and after the subsequent referendum period has ended, the Official Zoning Map shall be changed to reflect this amendment.
- c. Once an amendment to an R-PUCD is effective, the application requirements for R-PUCDs in this article, along with the approved preliminary development application, and any approved conditions, shall apply to the future development of the property.

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8) **Submission of a Final Development Application**

- a. Once the R-PUCD District and preliminary development application has been approved by the Board of Township Trustees, the applicant shall proceed with the preparation of the final development application(s) in whole or in phases.
- b. The final development application shall be submitted in a form and in quantities as prescribed by the BZC. Such submission shall also include the required fee as established by the Township.
- c. The final development application shall be consistent with the applicable R-PUCD requirements in this Resolution and the contents of the approved preliminary development application.
- d. A final development application shall include all necessary legal documentation relating to the incorporation of a Homeowner's Association for the purpose of maintaining the specified common open space within all R-PUCDs.

9) **Public Hearing with the BZC**

- a. Upon the filing of final development application for an R-PUCD, the BZC shall set a date for a public hearing regarding final development application.
- b. The public hearing shall be held within 30 days after the date the final development application was submitted.
- c. Notification of the public hearing shall be the same as required for a zoning amendment as identified in Section 519.12 of the ORC, however, the review of a final development application shall be administrative in nature and is not an amendment to the zoning map or Zoning Resolution.
- d. Sugarcreek Township Staff shall study the final development application and confer with other agencies having jurisdiction as appropriate in the case, to determine general acceptability of the proposal submitted. Township staff shall provide a copy of any comments from such agencies to the BZC.
- e. Upon receipt of the final development application and comments from staff, the BZC shall, at a public hearing, study and review the final development application to determine whether all requirements have been satisfied, and the conditions specified in Subsection 6.07 (D) (Approval Criteria) have been met.
- f. After the public hearing is opened, the hearing may be continued to allow for additional discussions between the applicant and the BZC.

10) **Recommendation by the BZC**

- a. Within 30 days after the BZC's public hearing is closed, the BZC shall recommend the approval, approval with modifications, or denial of the final development application, and submit a written recommendation together with such application to the Board of Township Trustees.

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- b. The recommendation and any record forwarded to the Board of Township Trustees may include information on any agreements between the applicant and the BZC as to the changes to be made to the final development application. The record may also include any information on issues where no agreement is made between the BZC and the applicant, including any information on the reasons for the disagreement.
- c. Such recommendation and record shall be forwarded to the applicant, in writing, at the same time it is forwarded to the Board of Township Trustees.

11) **Review and Public Hearing with the Board of Township Trustees**

- a. Upon receipt of the written recommendation from the BZC, the Board of Township Trustees shall set a time for a public hearing on such proposed amendment and preliminary development application.
- 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 BZC.
- c. Notification of the public hearing shall be the same as required for a zoning amendment as identified in Section 519.12 of the ORC, however, the review of a final development application shall be administrative in nature and is not an amendment to the zoning map or Zoning Resolution.
- d. After the public hearing is opened, the hearing may be continued to allow for additional discussions between the applicant and the Board of Township Trustees.

12) **Decision on Final Development Application**

- a. Within 20 days after its public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the BZC, or adopt some modification thereof in accordance with Section 519.12 of the Ohio Revised Code. Such decision shall be made in writing. A simple majority vote among the Board of Township Trustees shall be required for adoption with modifications of the BZC written recommendation.
- b. The Board of Trustees' decision on the final development application is an administrative and is not subject to the referendum provisions as set forth in this Resolution and the ORC.
- c. Upon approval of the final development application, the application requirements for R-PUCDs in this article, along with the approved final development application, and any approved conditions, shall apply to the future development of the property.

D) **Approval Criteria for the Preliminary Development Application and Final Development Application**

1) **Approval Criteria for a Preliminary Development Application**

The following criteria shall serve as conditions that should be satisfied before the approval of the preliminary development application:

- a. The R-PUCD application and preliminary development application are consistent with the recommendations of the Sugarcreek Township Comprehensive Development Plan and the requirements of this Resolution;
- b. The preliminary development application is consistent with the concept plan, if submitted;

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- c. The internal streets and primary and secondary roads that are proposed properly interconnect with the surrounding existing road network, as determined by the Greene County Engineer's Office;
- d. The site will be accessible from public roads that are generally adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site will be adequate to serve the residents or occupants of the proposed development, as determined by the Greene County Engineer's Office;
- e. The proposed development will not impose an undue burden on public services and facilities such as fire and police protection, the transportation network, the school system, and the water and sewer services;
- f. The minimum common open space areas have been designated and shall be duly conveyed or deeded to a legally established homeowners association, where applicable, or have been addressed in a form permitted in Section 6.05 (C)(2);
- g. The location and arrangement of residential and accessory structures, parking areas, walks, pedestrian ways, lighting and appurtenant facilities shall be compatible with the surrounding land uses. Any part of a R-PUCD not used for residential and accessory structures or access ways shall be landscaped or otherwise improved and identified with proposed uses unless specified as part of an open space land in accordance with Section 6.05 (C) as approved by the BZC.
- h. The preliminary development application has been transmitted to, and comments received from, all other agencies and departments charged with responsibility of review.

2) **Approval Criteria for a Final Development Application**

The following criteria shall serve as conditions that should generally be satisfied before the approval of the final development application:

- a. Appropriate arrangements with the applicant have been made to ensure the accomplishment of the public improvements and reservation of common open space as indicated on the preliminary development application and final development application. If deemed necessary by the Board of Township Trustees during the final development application approval process, this assurance may require that the Board of Township Trustees require a bond to ensure the successful and proper completion of such improvements.
- b. The proposed final development application for an individual section of the overall R-PUCD is consistent in contents (building location--as applicable, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved preliminary development application and the Sugarcreek Township Comprehensive Development Plan.
- c. Each individual phase of the development can exist as an independent unit that is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained.

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- d. That any part of the R-PUCD not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the BZC, left in its natural state.
- e. That any exception from the design standards provided in the R-PUCD District is warranted by the design and amenities incorporated in the final development application.
- f. That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development, as determined by the Greene County Engineer.
- g. That the final development application is consistent with the intent and purpose of Article 1 of this Resolution.
- h. The final development application has been transmitted to, and comments received from, all other agencies and departments charged with responsibility of review.
- i. The final development application contains such proposed covenants, easements and other provisions relating to the proposed development standards as reasonably required for the public health, safety and welfare.

**E) R-PUCD Review with Concept Plan**

- 1) As an alternative to the Basic R-PUCD Review, an applicant may submit for an R-PUCD Review with a Concept Plan to garner initial comments from the BZC and/or to apply for density bonuses established in Section 6.05 (B)(3).
- 2) The R-PUCD Review with Concept Plan shall follow the Basic R-PUCD Review established in Section 6.07 (C) above with the following additional tasks required prior to the application with submission of the preliminary development application:
  - a. **Site Visit with the BZC**
    - i. The applicant shall submit to the Township a request for a site visit with the BZC. In such a request, the applicant shall inform the BZC of the location of the site to be visited. Within ten days of the receipt of such a request, the BZC shall decide whether to accept or reject the request. The BZC may choose to not accept the site visit based on their existing knowledge of the site.
    - ii. In the event the BZC accepts the request for a site visit, the BZC shall set a date for the site visit no later than 30 days after the date of acceptance. In the event of a rejection, the BZC shall set forth the reasons for the refusal in writing.
    - iii. The applicant shall give the BZC a tour of the site and identify any issues or information that is applicable or will be useful to the BZC in their review and recommendations including any information relevant to the exceptions or modifications that may be requested as part of Section 6.05 (B)(3). All appropriate information for the site visit shall be noticed in accordance with the ORC. Such information shall include the date, time, and location of the site visit, along with any other information the BZC may find useful for a future determination on a concept plan, or any recommendations made by the BZC to the applicant during the site visit.

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- iv. If a quorum of the BZC attends the site visit, there shall be no discussion, debate, or deliberations between the BZC members during the site visit.
  - b. Submission of a Concept Plan**
    - i. Within 30 days of the site visit, the applicant shall submit a concept plan and appropriate application in such form and number as may be prescribed for that purpose by the BZC to assure the fullest practicable presentation of the facts for review and the permanent record.
    - ii. All applications shall be submitted with the required fees as established in the Sugarcreek Township fee schedule.
  - c. Township Review and Public Hearing with the BZC (Concept Plan)**
    - i. Upon the filing of an application and submission of the concept plan for an R-PUCD, the BZC shall set a date for a public hearing regarding the proposed concept plan.
    - ii. The public hearing shall be set for a date within 30 days after the date the application was submitted.
    - iii. Notification of the public hearing shall be given in accordance with Section 519.12 of the ORC.
    - iv. Prior to the public hearing, Township staff or their designee shall study the material received, and confer with other government agencies as appropriate to determine general acceptability of the proposal submitted. At a minimum, Township staff will consult with the County Engineer, County Sanitary Engineer, and County Planning Commission staff.
    - v. After the public hearing is opened, the hearing may be continued to allow for additional discussions between the applicant and the BZC.
  - d. Decision by the BZC on the Concept Plan**
    - i. Within 30 days after the BZC's public hearing is closed, the BZC shall make a decision on the approval, approval with modifications, or denial of the proposed concept plan.
    - ii. The decision shall include information as to the determination of the total developable land area (AD), the area of land classified as "undevelopable land," the granting of any exceptions identified in Section 6.05 (B)(3).
    - iii. The BZC's decision on the concept plan shall be submitted to the applicant in writing.
    - iv. The applicant shall have 120 days from the BZC's decision to submit a preliminary development application and application for an R-PUCD zoning amendment in accordance with Section 6.07 (C) or the concept plan shall be deemed null and void.
    - v. Following the concept plan decision, the applicant shall be subject to the Basic R-PUD Review Procedure established in Section 6.07 (C).
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3) **Approval Criteria for a Concept Plan**

The purpose of the concept plan review and decision is to allow an applicant to discuss the potential merits of the application with the BZC and to gain an initial decision on issues related to the determination of whether land is considered developable or undevelopable and other related issues. As such, the following issues should be considered when reviewing and making a decision on a concept plan:

- a. The concept plan is consistent with the recommendations of the Sugarcreek Township Comprehensive Development Plan, and the requirements of this Resolution as determined by the BZC;
- b. The proposed development, in its conceptual form, will be beneficial to the community and furthers the overall purpose of this Resolution and this article that could only be achieved through R-PUCD zoning; and.
- c. A preliminary demonstration that there is adequate sewer, water, transportation, waste disposal, schools, police, and fire protection facilities serving or proximate to the proposed development to handle the additional demands the incentive and amenity may place on such facilities beyond the demand that would otherwise occur with conventional subdivision development.

**6.07 Time Limits**

- A) The final development application shall be submitted within two years after approval of the preliminary development application, or the approval of the preliminary development application will expire and the plan will be deemed null and void.
- B) Upon expiration of the preliminary development application, the property shall still be zoned as an R-PUCD with a voided preliminary development application. The property owner or authorized agent may submit an application and new preliminary development application for consideration pursuant to this Resolution or an application for a zoning map amendment to another district.
- C) Upon the expiration of the preliminary development application, the Board of Township Trustees or the BZC may initiate a zoning map amendment to change the R-PUCD zoning on the property to another district.
- D) If the applicant has not received any building permits within three-years of the approval of the final development application, the final development application shall be deemed null and void. Upon expiration of the final development application, the applicant shall have one-year to reapply for a final development application in accordance with the section or the preliminary development application will be deemed null and void in accordance with Paragraph (A) above.
- E) The BZC may authorize an extension of these time limits if good cause is shown for the delay of the final development application submission.
- F) For phased developments, the BZC and Board of Township Trustees may approve a phased final development application schedule as part of the preliminary development application approval. In such case, the approved time frames shall establish when the approved preliminary plan shall expire.

**ARTICLE 6: RESIDENTIAL PLANNED UNIT CONSERVATION DEVELOPMENT DISTRICT (R-PUCD)**

Section: 6.08 Modifications to Approved Preliminary or Final Development Applications

**6.08 Modifications to Approved Preliminary or Final Development Applications**

- A) If an applicant proposes to modify an approved preliminary development application or final development application, the applicant shall submit the proposed modifications to the Zoning Compliance Officer for transmittal to the appropriate authority.
- B) The proposed modifications shall be classified as a minor or major modification based on the following:
  - 1) **Minor Modifications**

Minor modifications shall include changes that do not involve:

    - a. Major 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 plans or changes to the location or amount of land designated for a specific land use or open space;
    - b. A change of the permitted uses to a use not otherwise permitted in the proposed R-PUCD district;
    - c. Any change that will impact on- or off-site infrastructure; or
    - d. An expansion of a building footprint that affects the specified setbacks of the approved plan.
  - 2) **Major Modifications**

Major modifications shall include:

    - a. An increase in density or intensity of the principal use(s);
    - b. Changes to the property or project boundaries of the entire R-PUCD District (if additional lands are to be added to the PUD District, the modification will mandate a zoning map amendment);
    - c. Modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations; or
    - d. Anything not classified as a minor modification above.
  - 3) **Review of Minor Modifications**
    - a. The BZC shall be responsible for reviewing and making a decision on minor modifications to an approved preliminary development application or final development application.
    - b. Such review and decision shall take place at a public meeting of the BZC and shall not require any additional notice beyond what is required by the Ohio Revised Code for public meetings.
    - c. The decision of the BZC on minor modifications shall be deemed administrative.
  - 4) **Review of Major Modifications**
    - a. Major modifications to an approved preliminary development application or final development applications shall require a public hearing with the BZC and Board of Township Trustees pursuant to the review procedure established in this article.

**ARTICLE 6: RESIDENTIAL PLANNED UNIT CONSERVATION DEVELOPMENT DISTRICT (R-PUCD)**

Section: 6.09 Effect of a Final Development Application

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- b. If a preliminary development application is amended, any future final development application shall comply with the amended preliminary development application.

**6.09 Effect of a Final Development Application**

- A) The approved final development application shall be kept on record in the Township offices, together with all Resolutions, applications, plats, plans, and other information regarding the development.
- B) The Resolutions prepared by the BZC and Board of Township Trustees serve as the official record for the permitted uses and activities which are approved for the property in the R-PUCD.
- C) The use of the R-PUCD property or the location, erection, construction, reconstruction, enlargement, or change of any building or structure in a manner which is not consistent with the final development application shall be considered a violation of this Resolution and subject to the procedures and penalties specified in this Resolution.

**6.10 Subdivision Plat Required**

- A) No Zoning certificate shall be issued for any structure in any portion of a R-PUCD unless and until the final subdivision plat for that portion has been approved by the RPCC and recorded in the public record of the County and is found to be consistent with the approved final development application.
- B) This requirement may be waived by the planning authority when it is deemed that a subdivision plat is not required.

**6.11 Deed Covenants and Owner’s Certificates**

Covenants in the deeds of all property owners and a notation on the recorded plat shall state that the open space shall not be used as building sites for any buildings or structures not approved as part of the final development application. The covenants in the deeds of all property owners and a notation on the subdivision plat shall state that agricultural uses, which may conflict with residential use and enjoyment, may occur on adjacent lands and are permitted by right.

**6.12 Definitions**

- A) Article 12 (Definitions) shall serve as the principal source of definitions for terms used in this article.
- B) The following definitions are specific only to R-PUCDs and shall not be used in the interpretation of any article in this Zoning Resolution except for Article 6 (Residential Planned Unit Development District).
  - 1) Active adult housing developments: Developments that include "age restricted" housing projects for older persons, compliant with applicable Federal and State statutes, that use deed restrictions and/or private covenants to age restrict the resident demographics; or development projects that provide small lot sizes, minimal yard maintenance, security, design features, and other amenities highly desired by adult residents

**ARTICLE 6: RESIDENTIAL PLANNED UNIT CONSERVATION DEVELOPMENT DISTRICT (R-PUCD)**

Section: 6.12 Definitions

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- 2) Farm preserves: An ongoing agricultural use of sufficient size to continue the current agricultural activities, and which is of adequate size and configuration to continue these functions as determined by the Board of Township Trustees on the advice of the Greene County Agricultural Extension Office or Department of Natural Resources Conservation Service.
  - 3) Woodland preserve: Areas of forest retention or reforestation that are to remain undisturbed by buildings, lawns and roads and which are of adequate acreage and configuration to allow for wildlife management as determined by the Ohio Department of Natural Resources. As part of the application process in the preliminary development application stages, all trees of four inches in diameter or greater as measured from grade, shall be identified which are to be removed from the site.
  - 4) Public access open space: Land to be deeded to a governmental agency or a nonprofit land trust, which agrees to permit public access for natural parks or other passive recreational purposes. The Sugarcreek Township BZC shall make recommendations to the Board of Township Trustees to regulate public access open space areas on a case-by-case basis.

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## ARTICLE 7: GENERAL DEVELOPMENT STANDARDS

### 7.01 Nuisances Prohibited

No inoperable vehicle, unlicensed trailer or discarded furniture, appliances, or other miscellaneous junk materials shall be permitted to remain exposed on any lot for a period of more than 10 days. Specific demolition and rehabilitation projects requiring the placement of a dumpster for periods exceeding 30 days shall be permitted provided a permit has been issued pursuant to Article 4, Subsection 4.13(B)(6). Trailers used in conjunction with an approved storage/warehousing use or an approved wholesale distribution facility in the Industrial District shall not be included in this provision.

### 7.02 Trees Prohibited in the Right-of-Way

Planting, growing, raising, or cultivating any tree within the right-of-way between the curb/edge of pavement and the sidewalk on any township street is prohibited. Nothing in this section shall be deemed to require a change in plans lawfully approved by the Township prior to the effective date of this section. If a tree dies or is otherwise removed from the right-of-way, the property owner shall not replace that tree in compliance with this section.

### 7.03 Outdoor Lighting

#### A) Applicability

- 1) The regulations of this section shall apply to all lighting that illuminates the exterior of a building, structure, open space, parking and loading areas, or other feature of a lot, including residential lots.
- 2) Photometric plans shall be submitted for approval with all applications for Zoning Certificates in the O-1, B-1, B-2, B-3, I-1, and PUD Districts, as well with all applications for non-residential uses in Agricultural and Residential Districts.

#### B) Lighting Standards

- 1) **General Standards Applicable to all Zoning Districts**
  - a. Exterior lighting shall not be designed or located in such a way as to shine directly into an adjacent dwelling unit, regardless of the applicable zoning district.
  - b. Outdoor lighting shall not be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.
  - c. No flickering or flashing lights shall be permitted, except for temporary holiday decorations.
- 2) **General Standards Applicable to the O-1, B-1, B-2, B-3, I-1, and PUD Districts, as well as Non-Residential Uses in Agricultural and Residential Districts**
  - a. The placement of light poles within raised curb planter areas or landscaped islands is encouraged, but conflicts with parking lot trees that can obscure the lighting shall be avoided through alternative lighting locations. The photometric plan submitted shall assume mature tree height.
  - b. Uniform lighting shall be provided to prevent various intensities of lighting throughout the parking area. Such uniform lighting shall be illustrated in the required lighting plan.

- c. All light fixtures shall utilize full cutoff lighting, except for decorative light fixtures. See Figure 7.02-1.
- d. All outdoor lighting, not affixed to a building, shall be designed, located, and mounted at heights no greater than 12 feet above grade for non-residential uses in Agricultural and Residential Districts and 24 feet above grade in all other Districts. See Figure 7.02-1. Outdoor lighting affixed to a building shall not exceed the height of the building.
- e. Background spaces like parking lots shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare.
- f. The style of light fixtures shall be consistent with the style and character of architecture proposed at the site.

g. **Illumination of Buildings and Other Vertical Structures**

When buildings or other structures are illuminated, the design for the illumination must be in accordance with the following:

- i. The illumination of buildings shall be limited to security or highlighting of unique architectural features. Security lighting shall be limited to illumination of doorways, windows, or other points of entry.
- ii. Lighting fixtures shall be located and/or aimed such that light is directed only onto the building surfaces. All fixtures used to illuminate buildings shall be fully shielded to prevent viewing of the light source.
- iii. For statues, monuments, fountains, or other objects for which it may not be possible to reliably and consistently illuminate with downward lighting, upward lighting may be used only with the narrowest field of light which confines the illumination to the object of interest.
- iv. For upward-directed architectural, landscape and decorative lighting, direct light emissions shall not be visible above building line roof.
- v. Light fixtures used to illuminate flags or other objects mounted on a pole, pedestal or platform shall use a narrow cone beam or light that will not extend beyond the illuminated object.

h. **Lighting of Canopies and Drive-Through Facilities**

- i. The average maintained horizontal illumination at grade level under canopies shall not exceed 15 footcandles.
- ii. Light fixtures mounted on or under canopy ceilings shall be fullcutoff lights (See Figure 7.02-1), unless indirect lighting is used whereby light is directed upward and then reflected down from the ceiling of the structure. In this case, light

## ARTICLE 7: GENERAL DEVELOPMENT STANDARDS

### Section: 7.03 Outdoor Lighting

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fixtures must be shielded so that direct illumination is focused exclusively on the ceiling of the structure.

- iii. Lights shall not be mounted on the top or sides of a canopy and the sides of a canopy shall not be illuminated.
- iv. Lighting for drive-through facilities must be fully shielded as if located completely outside.

#### i. **Outdoor Activity Facilities**

- i. Outdoor activity facilities may have unique lighting needs pertaining to the performing or playing area. A lighting plan for such a facility shall detail the lighting requirements of the performing or playing area and how unwanted glare, illumination of surrounding streets and properties, and nighttime atmospheric light pollution will be minimized.
- ii. Limits on light trespass appearing in this section shall apply to such outdoor facilities.
- iii. Glare shall be controlled by fixture design, location, and shielding, natural or positioned obstructions on the parcel where the facilities are located.
- iv. Every such lighting system design and installation shall be certified by a registered engineer as conforming to all applicable restrictions of this Resolution.
- v. Except for professional or amateur events covered by intrastate televised broadcast, 30 footcandle horizontal illumination of the playing field or performing area shall not be exceeded. Parking facilities, walkways, and other lighting applications associated with venues for the outdoor activities covered herein shall conform to the requirements specified in the sections of this Resolution applicable to those lighting applications.

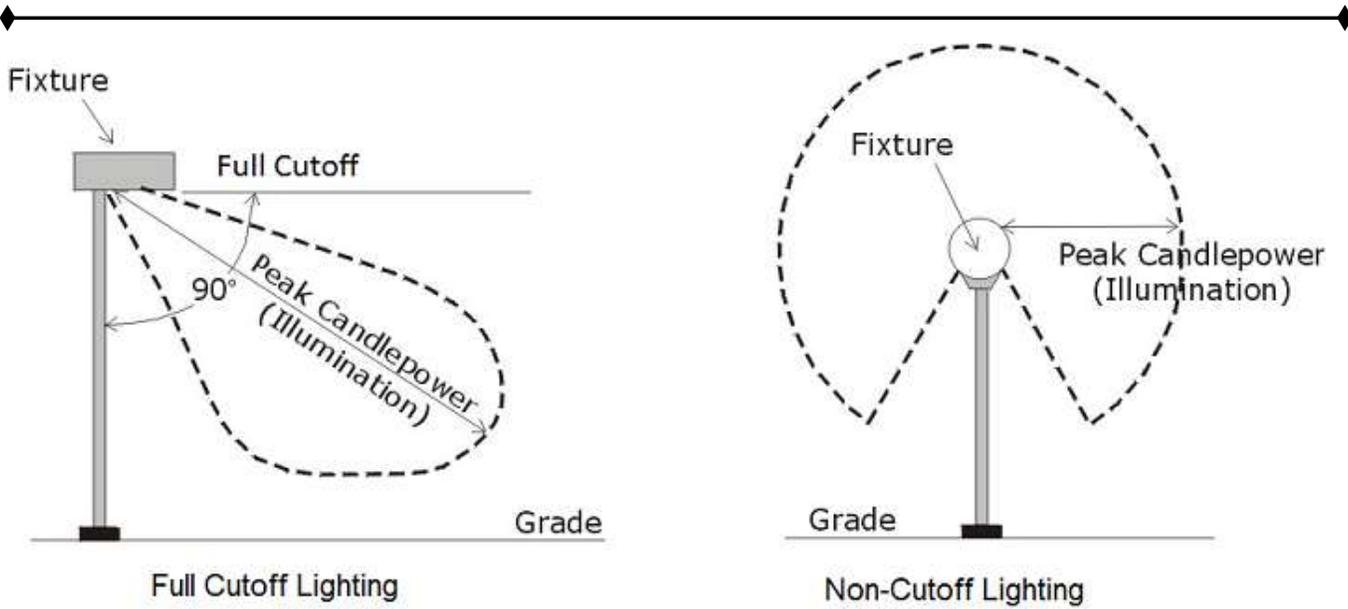


Figure 7.02-1: Illustration of full cutoff and non-cutoff lighting.

3) **Light Spillage**

All areas containing outdoor lighting (except street lighting) shall limit light spillage onto adjacent property when measured at any point along a property line to the requirements set forth below. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, height, or aim, or a combination of these or other factors. This information can be referenced in Table 7-2.

Table 7-2: Maximum Light Spillage		
When the source property is located in....	Is adjoining property in...	The maximum light spillage shall be (measured in vertical footcandles)
A-1, A-C, E, R-1A, R-1B, R-PUCD, PUD-R, 0-1, B-1, B-2, B-3, I-1, or a PUD District	A-1, A-C, E, R-1A, R-1 B, R-PUCD, or PUD-R District	0.10
0-1, B-1, B-2, B-3, I-1, or PUD District	0-1, B-1, B-2, B-3, I-1, or PUD District	0.30

4) **Lighting within a Public Right-of-Way/Common Area Lighting**

All new, repaired or replaced lighting within a public right-of-way/common area lighting, whether public or private, shall utilize full cutoff fixtures.

5) **Neon Lighting**

- a. Light sources consisting of glass tubes filled with neon, argon, krypton, or other similar gas (hereafter referred to as “neon lighting”) are excluded from light shielding requirements, however such lighting shall be included in the light spillage requirements of Subsection (B)(2) above.
- b. Neon lighting shall not be considered as security lighting.

6) **Other Outdoor Lighting**

- a. Outdoor lighting not otherwise specified in this Resolution emitting more than 1200 lumens (except motion detector activated lighting) shall be full cutoff and fully shielded.
- b. Bulbs in outdoor light fixtures emitting from 600 to 1200 lumens may be installed in fixtures that are not full cutoff and may be visible from the property line provided, however, such bulbs shall be frosted glass or covered by frosted glass or other similarly translucent material.
- c. A spotlight or floodlight of less than 1800 lumens need not be full cutoff or fully shielded if its center beam is aimed at a point not beyond any property lines and no less than 45 degrees below horizontal, is used for security lighting purposes only, and is motion detector activated and cycles off within five minutes after the cessation of motion within its field of view. Such security lighting should be calibrated so it does not activate by normal business or resident activity.
- d. Tower or antenna lighting shall not be permitted unless required by the Federal Aviation Administration (FAA).
- e. The use of search lights, laser lighting, or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited.

C) **Exceptions**

- 1) The temporary use of low wattage or low voltage lighting for festivals, celebrations, and the observance of holidays are exempt from this Resolution and do not require a Zoning certificate.
- 2) Emergency lighting and traffic control lighting shall be exempt from the requirements of this section.

D) **Nonconforming Outdoor Lighting**

1) **Authority to Continue**

Any lawful lighting fixtures located within the Township at the effective date of this Resolution that does not conform to the provisions of this section may continue provided the lighting remains in conformance with the provisions of this Subsection (D)(2).

2) **Ordinary Maintenance and Repair**

Nothing in this section shall relieve the owner or beneficial user of legal nonconforming lighting, or the owner of the property on which the legal nonconforming lighting is located, from the provisions of this section regarding safety, maintenance, and repair. Normal maintenance, including replacing light bulbs, cleaning, or routine repair of legal nonconforming light fixtures, shall not be deemed to be a condition which triggers a loss of lawful status described below, unless such maintenance increases the nonconforming aspects of the lighting.

3) **Loss of Lawful Status**

a. Legal nonconforming status shall terminate under the following conditions:

- i. If a light fixture is no longer used for a period of two years, it shall be deemed abandoned and shall not thereafter be reestablished; or
- ii. If a lighting fixture is structurally altered such that its nonconforming aspects increase; or
- iii. If a lighting fixture is relocated, replaced, or moved in any way.

b. Upon the event of any of the aforementioned, the lighting fixture(s) shall be immediately brought into compliance with this section, or the lighting fixture(s) shall be removed.

4) **Removal Pursuant to Public Order**

Lighting found by the Township to create public nuisance in accordance with state law can be ordered removed or altered at any time.

**7.04 Outdoor Display, Sales, and Storage (Nonresidential)**

**A) Purpose**

The purpose of these regulations is to ensure the proper use of land for outdoor commercial displays, sales, and storage so as to minimize impacts on surrounding property owners and uses.

**B) Applicability**

The provisions of this section shall apply to all uses except:

- 1) Single-family dwellings;
- 2) Two-family dwellings; and
- 3) Roadside markets that are accessory to an agricultural use that are permitted pursuant to Section 519.21 of the Ohio Revised Code and Section 4.13 (Accessory Uses and Structures) of this Resolution.

**C) Exemptions**

Outdoor displays, sales, and storage that are the permitted principal use of a lot shall be exempt from these regulations. Exempt uses per this requirement are:

- 1) Outdoor display, sales, and storage areas approved as part of a site plan or final development application prior to the effective date of this Resolution;
- 2) Automotive sales or rental;
- 3) Greenhouses;

**ARTICLE 7: GENERAL DEVELOPMENT STANDARDS**  
Section: 7.04 Outdoor Display, Sales, and Storage (Nonresidential)

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- 4) Tool rental or sales facilities; and
- 5) Similar uses as determined by the Zoning Compliance Officer in compliance with Section 4.08 (F) (Similar Use Provisions).

**D) General Standards**

- 1) All outdoor sales, display, and storage areas shall require a Zoning certificate and shall be illustrated on the corresponding site plan.
- 2) Outdoor sales, display, and storage areas shall not be located in any required setback, parking and circulation area, right-of-way, or required landscape or buffer area unless otherwise specifically allowed.
- 3) Such sales, display, and storage areas shall be prohibited if they will create any safety hazard for pedestrians or a safety hazard as identified by the Fire Department. A minimum pathway in areas used for outdoor displays, sales, and storage shall be provided to allow for the flow of pedestrian traffic outside of designated vehicular traffic drives. Such pathways shall have a minimum clearance width of five feet, or the width required to meet the minimum standards of the Americans with Disabilities Act, Greene County Building Department, whichever is greater.
- 4) Where screening or security fencing is provided or required in an area visible from a public right-of-way, decorative cast iron, aluminum, wood material, or materials used in the principal building, shall be used for the fencing. Other materials may be permitted with a variance approval by the BZA.
- 5) Chain link fencing shall only be permitted when the fencing is not visible from any public right-of-way.
- 6) Barbed wire fencing, and other wire mesh fencing (not including chain link) shall only be permitted when approved by the BZA as a variance pursuant to Section 3.07 (Appeals, Variances, and Conditional Uses).
- 7) All fencing and walls used for screening shall be subject to the fence and wall standards of Section 7.04 (Fences, Walls, and Entry Gates).
- 8) All outdoor sales, display, and storage areas shall be maintained free of garbage and other debris.
- 9) Outdoor sales, display, and storage areas shall be limited to five percent of the gross floor area of the principal structure with a maximum area of 4,000 square feet.
- 10) Tractor-trailers that are not being actively loaded or unloaded shall not be stored on the site unless they are screened in accordance with Section 10.07 (Screening Requirements).
- 11) A minimum distance of five feet shall be maintained between any outdoor sales, display, and storage areas and any designated fire lane.

**E) Standards for Outdoor Sales and Displays**

Outdoor sales and displays may be permitted where such sales and display areas comply with the following regulations:

- 1) Outdoor sales and displays are prohibited on vacant lots unless approved in advance by the BZA as a conditional use and only when retail commercial uses are permitted in the applicable zoning district.

**ARTICLE 7: GENERAL DEVELOPMENT STANDARDS**  
Section: 7.04 Outdoor Display, Sales, and Storage (Nonresidential)

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- 2) Outdoor sales and displays may be permitted provided that the merchandise is displayed along the walkway adjacent to the building or in the side yard.
- 3) Temporary outdoor sales and display areas may be authorized in a parking lot under the following provisions:
  - a. The maximum time the temporary outdoor sales and display areas shall be authorized is for 90 days per year;
  - b. In no case shall the outdoor sales or display area reduce the amount of off-street parking spaces to a number below the minimum number of required spaces.
  - c. The area of the parking lot to be used for temporary sales shall be marked by surface painting on the parking lot to ensure compliance with these provisions.
  - d. The temporary outdoor sales and display area shall require a Zoning certificate approval.
- 4) Outdoor cafes and food service areas may be permitted when they comply with the following regulations:
  - a. Outdoor cafes or food service areas shall be located along a sidewalk or between a building and parking area provided there is a minimum width of four feet of clear space for pedestrians to pass by the café or food service area.
  - b. Outdoor café and food services areas wider than four feet shall be surrounded by railings that separate the eating area from sidewalk or vehicular traffic.
  - c. Umbrellas that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
  - d. Enclosing outdoor cafes or food service areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a Zoning certificate. The enclosed area shall no longer be subject to the standards of this section.

**F) Standards for Outdoor Storage Areas**

Outdoor storage areas may be permitted where such storage areas comply with the following regulations:

- 1) Outdoor storage shall be prohibited on vacant lots.
- 2) Only those goods and materials associated with the principal use may be stored or sold in outdoor storage areas;
- 3) Outdoor storage is permitted provided that the storage areas are located in the side or rear yard.
- 4) Storage of any goods or materials shall not exceed six feet in height unless it is located adjacent to the principal building and completely screened by materials similar to those used in the principal building's architecture.
- 5) All outdoor storage areas shall be screened from view of the public right-of-way by a six-foot fence in conformance with Subsection 7.03 (D) (General Standards) above. Screening shall not be required if the outdoor storage area is located out of view from any public right-of-way.

## ARTICLE 7: GENERAL DEVELOPMENT STANDARDS

### Section: 7.05 Fences, Walls, and Entry Gates

#### G) Nonconforming Existing Outdoor Display, Sales, and Storage Areas

- 1) Outdoor display, sales, and storage areas that do not meet the requirements of this section but that were approved prior to the effective date of this Resolution may continue as per the approved plan and shall be considered legally nonconforming.
- 2) Nonconforming outdoor display, sales, and storage areas shall lose its legal nonconforming status if the areas are not used per the approved plan within a two-year time-period. After two years, all outdoor displays, sales, and storage shall meet the standards of this section.
- 3) Nonconforming outdoor display, sales, and storage areas shall not be expanded except in full compliance with this section and Section 4.15 (Nonconformities).

#### 7.05 Fences, Walls, and Entry Gates

Fences, walls, and entry gates may be permitted in all zoning districts in accordance with this section and Section 4.13 (Accessory Uses and Structures).

##### A) General Standards

The following standards apply to all fencing, walls, and entry gates subject to this section.

- 1) No barbed wire, other sharp-pointed material or electrically charged material shall be used in the construction of a fence, wall, or entry gate unless authorized as a variance review (See Section 3.07 (Appeals, Variances, and Conditional Uses).) for the purpose of security in a nonresidential zoning district.
- 2) Fences, walls, or entry gates may be constructed of wood, wrought iron or steel, brick stone or similar materials.
- 3) Fencing or walls should follow the natural contour of the land on which it is located. See Figure 7.04-1.

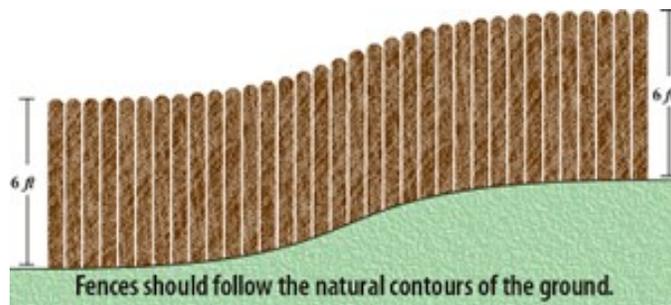


Figure 7.04-1: This illustrates how fencing is measured along a natural contour.

- 4) Any portion of a retaining wall projecting more than one foot above the surface of the ground supported by the wall shall be subject to the applicable requirements of this section regulating fences.
- 5) Any fencing utilized for an agricultural use as described in ORC. 519.01 and 519.21, are exempt from the regulations of this section.

## ARTICLE 7: GENERAL DEVELOPMENT STANDARDS

### Section: 7.05 Fences, Walls, and Entry Gates

- 6) A fence that is designed with a finished appearance on only one side shall be oriented so that the finished side faces any right-of-way or adjacent lot.
- 7) Fence or wall height shall be measured from the lowest point within three feet on either side of the fence to the top most portion of the fence. See Figure 7.04-2.

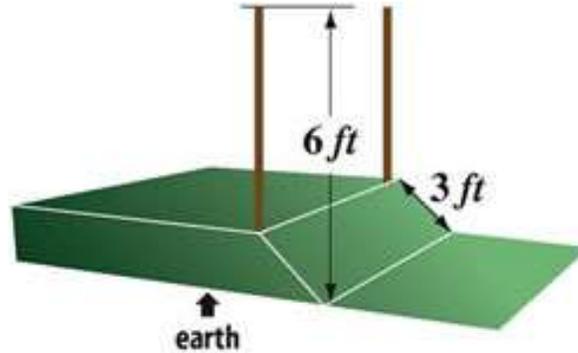


Figure 7.04-2: Fencing shall be measured from the lowest point within three feet on either side of the fence.

#### B) Fences

The following provisions apply to all uses that are not agriculturally exempt (See Subsection 7.04 (A)(5)).

##### 1) Front Yard

- a. Fencing in the front yard shall not exceed 42 inches in height, except as permitted in Section 7.04(C)(4), 4.12 C. 10. e. and 4.12 C. 11. d.
- b. No fence shall be erected within three feet of any public right-of-way line, or 15 feet from the curb or edge of pavement, whichever is the greatest setback from the centerline of the street.
- c. No fence shall be erected within 25 feet of an existing or proposed street or right-of-way intersection, or interfere with visibility from driveways or intersections.
- d. All structural supports of any fence permitted in this subsection shall be erected with all supports on the inside of the area to be enclosed.
- e. Any fence permitted in this subsection shall be constructed as to provide a ratio of solid portion to open portion not-to-exceed one and three quarters to one (1 3/4:1), the proportion of solid area to open area to be determined by viewing the fence from either side, not from the top.

##### 2) Side and Rear Yard

- a. Except for as provided elsewhere in this subsection, no fence shall exceed six feet in height.
- b. No fence surrounding a tennis court shall exceed 10 feet in height. The tennis court must meet the requirements of Section 4.13 (Accessory Uses and Structures). Any tennis court fence over six feet in height shall be of a material that is green or black vinyl clad chain link.

3) **Exceptions to Fence Heights**

- a. Ornamental fence posts may exceed the maximum height requirements set forth above by eight inches.
- b. The fence heights established above may be increased by three inches in order to provide space between the bottom of the fencing material and the ground.

C) **Residential Entry Gates/Entrance Features into Single Lots**

Residential entrance gates and accessory fencing (residential entrance feature) are permitted for the entrances into large, single lots, subject to the following conditions:

- 1) The minimum lot size on which a residential entrance feature may be constructed is two acres with a minimum road frontage of 200 feet.
- 2) When a gate is constructed of wrought iron or wrought iron type material. The space between the wrought iron or wrought iron type material must be open.
- 3) The entrance feature, including gates, posts, fences, lighting, and landscaping shall not be erected within three feet of any public right-of-way line, or 15 feet from the curb or edge of pavement, whichever measurement establishes the greatest setback from the centerline of the street.
- 4) The entrance gates, posts, and lighting shall not exceed eight feet in height. If accessory-fencing extending from the main gate is of wrought iron or "wrought iron type" material, then the accessory fencing and posts shall not exceed five feet in height.
- 5) Residential entrance features shall not interfere with visibility from driveways or intersections and must be approved by the Sugarcreek Township Fire Department Inspector.

**7.06 Architectural Design Standards**

A) For the purposes of this section, the Zoning Compliance Officer shall be authorized to review and make decisions on architectural standards as provided for in Section 519.171 of the Ohio Revised Code.

B) **Architectural Standards**

The following design standards shall apply to all development in the O-1, B-1, B-2, B-3, I-1, and PUD Districts.

1) **Ornamentation**

All visible elevations shall include decorative features such as cornices, pilasters, and friezes. Building recesses and protrusions are strongly encouraged on larger buildings to break long uninterrupted building walls. See Figure 7.05-1.

## ARTICLE 7: GENERAL DEVELOPMENT STANDARDS

### Section: 7.06 Architectural Design Standards



*Figure 7.05-1: The buildings in the above images contain pilasters, cornices, and a series of façade setbacks (recesses) to visually break up the appearance of large facades.*

#### 2) **Façade Massing**

##### a. **Offset Required**

Front façades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet. See Figure 7.05-2.

## ARTICLE 7: GENERAL DEVELOPMENT STANDARDS

### Section: 7.06 Architectural Design Standards

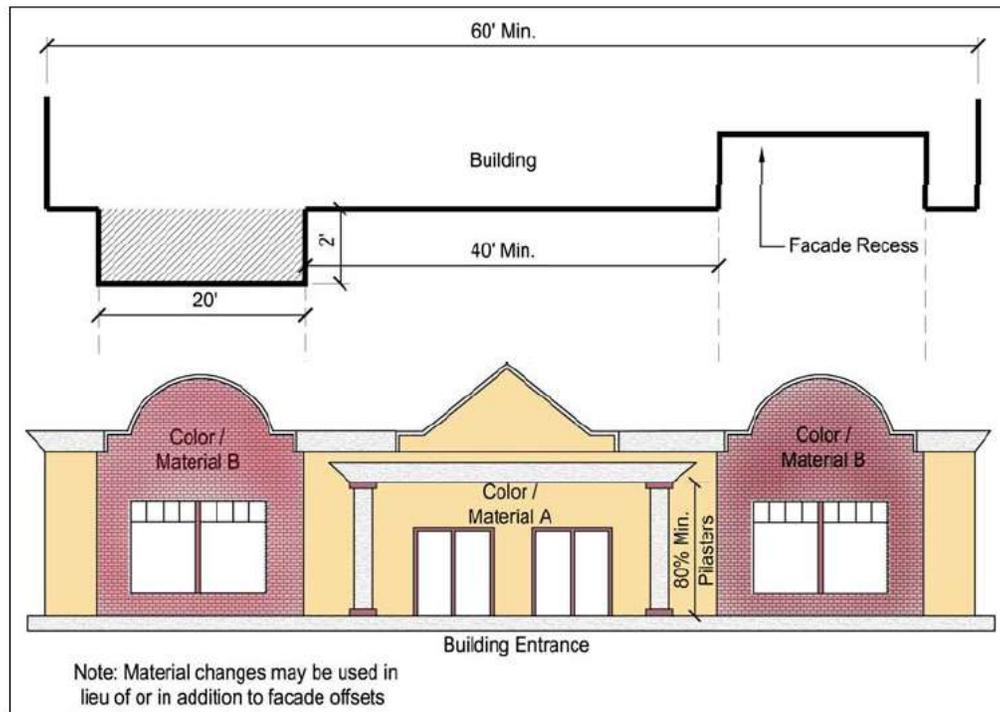


Figure 7.05-2: Illustration of how the façade offset provisions may be applied.

#### b. Offset Alternatives

The following alternatives can be used in place of the required front façade offsets:

- i. Façade color changes following the same dimensional standards as the offset requirements;
- ii. Pilasters having a minimum depth of one foot, a minimum width of one foot, and a minimum height of 80 percent of the façade's height; and/or
- iii. Roofline changes when coupled with correspondingly aligned façade material changes.

#### c. Roof Line Changes

- i. Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
- ii. When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes. See Figure 7.05-3.

**ARTICLE 7: GENERAL DEVELOPMENT STANDARDS**

Section: 7.06 Architectural Design Standards

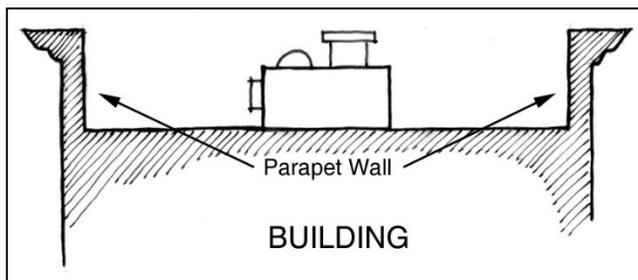


*Figure 7.05-3: Illustration of roofline changes along a long façade wall.*

3) **Roofs**

a. **Flat Roofs**

When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them. The cornice shall include a perpendicular projection a minimum of eight inches from the parapet façade plane. See Figure 7.05-4.



*Figure 7.05-4: The image on the left illustrates the use of parapet walls to screen mechanical equipment. Tall, thin parapets such as the one shown in the image on the right should be avoided to prevent the appearance of false walls.*

**b. Roof Penetrations and Equipment**

All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (with the exception of chimneys), shall be located on the rear elevations or screened with a parapet wall having a three-dimensional cornice treatment so as to have a minimal visual impact as seen from:

- i. Public streets;
- ii. Existing single family uses;
- iii. Vacant land zoned for agricultural or residential; and
- iv. R-PUCDs and PUD-Rs.

**4) Customer Entrances**

**a. Required Entrances**

Each side of a building facing a public street shall include at least one customer entrance, except that no building shall be required to provide entrances on more than two sides of the structure that face public streets.

**b. Entrance Design**

Buildings shall have clearly defined, highly visible customer entrances that include no less than three of the following design features (See Figure 7.05-5):

- i. Canopies/porticos above the entrance;
- ii. Roof overhangs above the entrance;
- iii. Entry recesses/projections;
- iv. Arcades that are physically integrated with the entrance;
- v. Raised corniced parapets above the entrance;
- vi. Gabled roof forms or arches above the entrance;
- vii. Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;
- viii. Display windows that are directly adjacent to the entrance;
- ix. Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above and/or directly adjacent to the entrance; or
- x. Integral planters or wing walls that incorporate landscaped areas or seating areas. A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.



Figure 7.05-5: This large retail center utilized several different design features to articulate the individual facade and customer entrances.

**C) Enforcement of Standards**

The Zoning Compliance Officer shall be responsible for reviewing and enforcing the provisions of this section during the review of a Zoning certificate application.

**7.07 Vision Clearance Triangle**

**A) Corner Lots at Unsignalized Intersections**

All corner lots at unsignalized street intersections shall maintain, for safety vision purposes, a vision clearance triangle. The vision clearance triangle shall consist of the area bounded by the right-of-ways of the adjacent intersecting streets extending along those right-of-ways centerlines 30 feet from the point of right-of-way intersection, and a straight line connecting said latter points. Nothing within the vision clearance triangle shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between the heights of 2.5 and 10 feet above the centerline of grades of intersecting streets. See Figure 7.06-1.

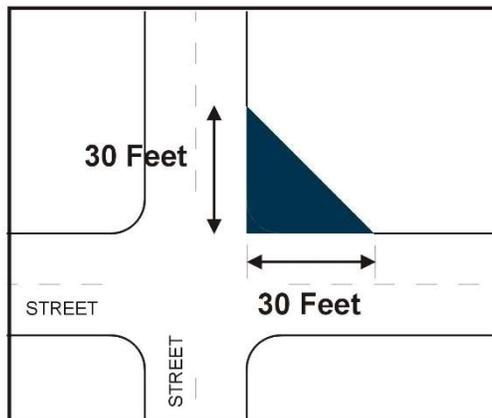


Figure 7.06-1: Visual clearance triangle for unsignalized intersections.

**B) Driveway Curb Cuts**

A vision clearance triangle shall be maintained at all driveways and curb cuts for vision safety purposes. The vision clearance triangle shall be formed by extending one line 25 feet along the street right of way from the edge of the driveway pavement and another line from that same point 20 feet along the driveway and then connecting the two endpoints. No sign or associated landscaping shall be placed within this triangle so as to materially impede vision between the heights of 2.5 and 10 feet above the centerline grade of the streets. See Figure 7.06-2.

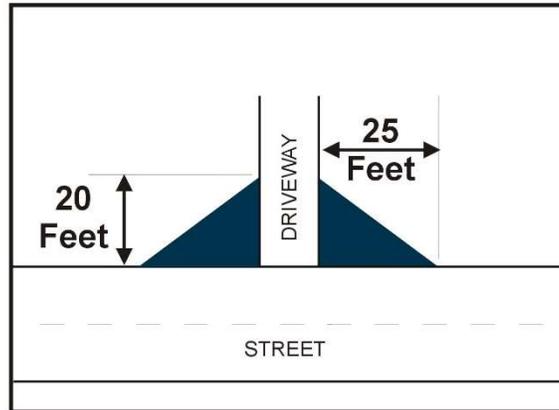


Figure 7.06-2: Visual clearance triangle for driveways.

**7.08 Private Streets**

Where permitted, private streets shall comply with the following standards:

- A) Private streets shall have a minimum width of 24 feet.
- B) A working fire hydrant shall be required to be provided for each 500 feet in length (or portion thereof) of a private street unless otherwise approved or required by Greene County Engineer's office and the Sugarcreek Township Fire Department.
- C) All private streets shall be named and all lots developed on a private street must have the addresses posted at the intersection of the individual driveway with the private street in a manner that provides for easy identification by emergency vehicles.
- D) A maintenance agreement among all of the lots served by the private street shall be required which shall be recorded in the office of the Greene County Recorder and be a part of the chain of title of all lots served by the private street. The maintenance agreement must provide for the use of the private street by emergency vehicles;
- E) All private streets shall be conveyed to a legally established homeowners, property owners association, or commercial management entity which shall have the right to levy assessments upon the lots served by the drive, to maintain the driveway, and to ensure that access is provided to all such lots and emergency vehicles;

## ARTICLE 7: GENERAL DEVELOPMENT STANDARDS

### Section: 7.09 Stormwater Management Facility

- 
- F) All private streets shall comply with the specifications for construction of residential, commercial, or industrial streets as provided in the Greene County Subdivision Regulations except that curb and gutter, sidewalk and/or drainage requirements may be waived if approved by the Greene County Regional Planning and Coordinating Commission.
  - G) Prior to the issuance of any Zoning certificate by Sugarcreek Township to commence construction of any private street or any construction related to the private street (including the residential or commercial use to be located on the private street), and prior to any actual construction of any private street or related construction, a cash bond, a letter of credit in favor of the Township or a bond with sureties approved by the Sugarcreek Township Fiscal Officer shall be posted with the Township by the owner/developer of the private street in the amount necessary to ensure that the private street is constructed in accordance with the above specifications.
  - H) For all private streets, regardless of the number of lots being served, independent written verification, by a third party licensed professional engineer, must be submitted for Township review and approval for the following items:
    - 1) The above referenced construction standards and specifications have been met.
    - 2) The amount of the bond or other assurance needed to ensure the construction of the private street.
    - 3) The cost, bonding amount, construction and testing of a private water line connected to the nearest available public county water line. All such lines shall have adequate water pressure for firefighting purposes as approved by the Sugarcreek Township Fire Department.

#### **7.09 Stormwater Management Facility**

Unless otherwise approved by the Greene county Soil and Water Conservation District, stormwater management facilities shall comply with the following:

- A) Detention and stormwater management facilities shall be finished mowed and landscaped.
- B) All retention facilities shall include a water feature.
- C) The slope of a detention basin shall not exceed 3:1.

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**ARTICLE 8: SIGNAGE**

**8.01 Purpose**

The regulations set forth in this Resolution pertaining to signs are intended to:

- A) Encourage the effective use of signs as a means of communication for businesses, organizations, and individuals in Sugarcreek Township;
- B) Maintain and enhance the aesthetic environment in the Township;
- C) Provide a means of way-finding in the community, thus reducing traffic confusion and congestion;
- D) Provide for adequate business identification, advertising, and communication;
- E) Prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the Township;
- F) Protect the health, safety, and welfare of the public by minimizing the hazards to pedestrian and vehicular traffic;
- G) Differentiate among those signs that, because of their location, may distract drivers on public streets and those that may provide information to them while they remain in their cars but out of active traffic;
- H) Minimize the possible adverse effects of signs on nearby public and private property;
- I) Prohibit most signs with commercial messages in residential zoning districts, while allowing those commercial messages that relate to commercial activities lawfully conducted on individual properties within such districts; and
- J) Provide broadly for the expression of individual opinions through the use of signs on private property.

**8.02 Applicability**

- A) The regulations contained within this article shall apply to all signs and to all zoning districts.
- B) Unless otherwise provided by this article, all signs shall require a Zoning Certificate and a payment of fees. No Zoning Certificate is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

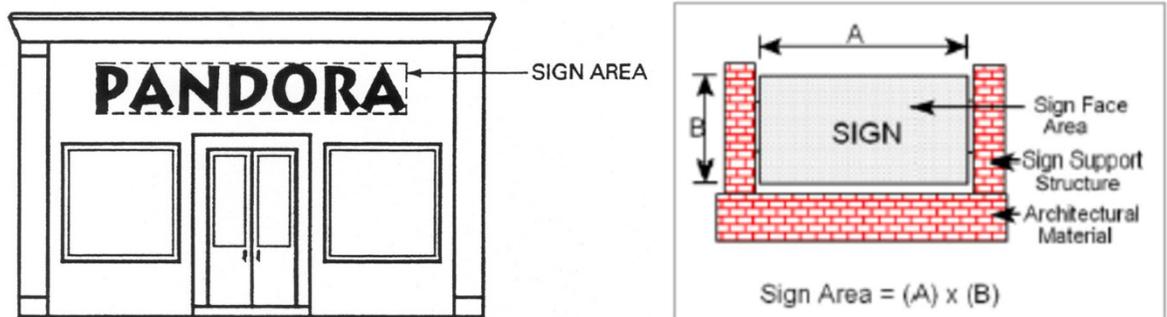
**8.03 Compliance Required**

- A) It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the Township except in accordance with the provisions of these regulations.
- B) All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the local electrical code in effect and meet established lighting standards for signs.
- C) No sign of any classification shall be installed, erected, or attached to a structure in any form, shape, or manner that is in violation of Greene County's or Ohio's building or fire codes.

## 8.04 Computations

The following principles shall control the computation of sign area and sign height.

- A) The area of a sign face, which is also the sign area of a wall sign or other sign with only one face, shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that shall encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color that is an integral part of the background of the display or used to differentiate the sign from backdrop or structure against which it is placed. This does not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets Zoning Resolution regulations and is clearly incidental to the display itself. See Figure 8.04-1.
- B) The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.
- C) 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 visible from any one point. See Figure 8.04-1.
- D) When two identical sign faces are placed back to back, 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 24 inches apart, the sign area shall be computed by the measurement of one of the faces. See Figure 8.04-1.
- E) When calculating street frontage, only the street frontage that lies in the unincorporated area of Sugarcreek Township shall be used in the calculation.



*Figure 8.04-1: Measurement of sign area.*

## 8.05 Prohibited Signs

All signs not expressly permitted under this article or exempt from regulation under the Section 8.06 (Signs Partially Exempt from this article) are prohibited in the Township. Such signs include, but are not limited to:

- A) Signs in any public right-of-way except:
  - 1) Signs owned by the Township, a city adjacent to the Township, Greene County, State of Ohio, or the federal government;

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- 2) Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use;
  - 3) Signs installed by a transit company with a franchise or other right to operate in Greene County, where such signs are installed along its routes and relate to schedules or other information about the transit route.
- B) Abandoned On-Premises Signs**
- 1) Any on-premises sign now or hereafter existing that no longer advertises a bona fide business conducted on the premises or a product sold on the premises for a period of two years shall be deemed abandoned.
  - 2) Such a sign shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which the sign may be found within 30 days after notification to the owner from the Zoning Compliance Officer.
  - 3) All signs shall be in conformance with Subsection 8.07 (C) (Maintenance of Signs).
- C) Any signs which by reason of its size, shape, location, content, coloring or manner of illumination:**
- 1) Constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers or by obstructing or detracting from the visibility of any traffic sign or control device on public streets and roads.
  - 2) May be confused with a traffic control sign, signal or device or the light of an emergency or road equipment vehicle.
- D) Signs which obstruct free ingress and egress from a required door, window, fire escape, or other required exit way;**
- E) Beacons and searchlights except as needed by emergency medical services, police, fire, or other emergency purposes or as required by the Federal Aviation Administration (FAA);**
- F) Any sign that contains or consists of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices for the purpose of advertising or attracting attention;**
- G) Signs that consist of lights that revolve or flash are prohibited in all districts;**
- H) Electronic information signs except for fuel sign displays as permitted in Section 8.10(B)(7);**
- I) Air activated graphics or balloons bearing a message except where otherwise permitted as temporary signs;**
- J) Any sign, which rotates, revolves, or otherwise moves unless otherwise expressly permitted under this article;**
- K) Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying such signs. This does not apply to non-commercial speech signs, portable signs, or lettering on buses, taxis, or vehicles operating during the normal course of business;**
- L) Signs imitating or resembling official traffic or governmental signs or signals;**
- M) Portable signs or daisy signs provided that portable signs or daisy signs placed on a site before the effective date of this article shall be removed by the owner, agent, or person having the beneficial use of the sign within 30 days after notification to the owner from the Zoning Compliance Officer.**
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- N) Signs which convey visual information that may be prohibited under the obscenity statutes of Ohio;
- O) Signs attached to any tree, utility pole, fence, bench, trash receptacle, or newspaper vending machine;
- P) Window signs which cover more than 50 percent of total window area;
- Q) Snipe signs;
- R) Neon signs on the exterior of buildings;
- S) Graffiti; or
- T) Roof signs.

**8.06 Signs Partially Exempt from this Article**

**A) Scope of Partial Exemption**

- 1) Signs listed in this section shall be exempt from the Zoning Certificate requirements of this article but shall, to the maximum extent allowed by law, be subject to the other standards of this article.
- 2) Where a sign is erected pursuant to a statute or a court order, the sign may exceed the size standards of this article or otherwise deviate from the standards set forth in this article to the extent that the statute or court order expressly required the larger size or other deviation.
- 3) In all other respects, such signs shall conform to the standards of this article.

**B) Applicability**

The following sign types and changes shall be exempt from the Zoning Certificate requirements but shall be in conformance with all other requirements of this article:

- 1) Signs bearing no commercial message and installed by employees or officials of a Township, city, county, state or federal agency in the course of their governmental duties;
- 2) Other signs conforming with the Manual of Uniform Traffic Control Devices and bearing no commercial message;
- 3) Signs required by a state or federal statute;
- 4) Signs required by an order of a court of competent jurisdiction;
- 5) Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use;
- 6) Signs installed by a transit company with a franchise or other right to operate in Greene County, where such signs are installed along its routes and relate to schedules or other information about the transit route;
- 7) Flags, emblems and insignias of national, state or local political subdivisions;
- 8) Commemorative plaques placed by recognized historical agencies; such a sign shall bear no commercial message unless it meets all of the standards for a sign bearing a commercial message at that location;
- 9) Signs that do not exceed eight square feet in sign area and six feet in height that give notice of Neighborhood Crime Watch Programs being in effect;

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- 10) Name and/or address descriptions mounted to the front wall of a building or to a lamppost in the front yard not-to-exceed two square feet in sign area;
  - 11) Directional ground-mounted monument signs not-to-exceed two signs per driveway indicating entrance and exit locations and ground mounted monument signs serving wayfinding purposes not-to-exceed four total directional/wayfinding signs per parcel with a maximum permitted sign area of three square feet and a maximum height of four feet;
  - 12) Window signs not to exceed 50% of the window surface. The window signs shall be so located as to allow clear visibility into the building for the purposes of fire and police protection;
  - 13) Routine maintenance of any sign, not involving structural changes to the sign;
  - 14) Changes of message, either manually or electronically as in the case of fuel price displays, on a message board or reader board; and
  - 15) Changes of sign panels or letters that do not involve structural changes to the sign.

**8.07 Administration and Enforcement**

**A) Removal of Signs by the Zoning Compliance Officer:**

- 1) The Zoning Compliance Officer shall have the authority to have any temporary or permanent sign removed that constitutes a public nuisance in that it endangers the public health or safety. This may include situations such as a sign which has been abandoned or is illegal as defined in this Resolution, dangerous, materially, electrically, or structurally defective as may be identified by the building inspector. The Zoning Compliance Officer shall keep the sign at the Township offices until such time the sign may be lawfully disposed of or returned pursuant to Section 8.07 (A)(6).
- 2) The Zoning Compliance Officer shall also have the authority to have any sign (except a valid nonconforming sign) removed that does not have a Zoning Certificate or a sign that is not in compliance with the Zoning Certificate issued.
- 3) Before removing any such sign, the Zoning Compliance Officer shall first make all reasonable efforts to prepare and serve upon the property owner or occupant a notice which describes the sign and specifies the violation involved. This notice shall require that a permanent sign be removed or the violation corrected within the next ten days or that a temporary sign shall be removed or the violation corrected within the next 24 hours. If no emergency exists and the notice is not complied with, the Zoning Compliance Officer will institute legal proceedings for removal of the sign and for a possible violation of the Zoning Resolution pursuant to the Ohio Revised Code.
- 4) All notices issued by a Zoning Compliance Officer may be served by certified mail or delivery to the property owner, current occupant, or to a person temporarily or permanently in charge of the establishment or the sign owner in case of temporary signs. Any time periods provided in this section shall be deemed to commence on the date of the service of the notice.

- 5) The property owner and current occupant shall be jointly and severally obligated to reimburse the Township immediately for all third party and administrative expenses incurred in removing any sign including, but not limited to, costs to Township of time of Township employees. If the violations are corrected and removal obligations paid, the property owner, the occupant or the sign owner of temporary sign may reclaim the sign from the Township.
- 6) The sign shall become the property of Sugarcreek Township after thirty 30 days if removal costs are not paid or if violations are not corrected. Thereafter, the sign shall be disposed of in any manner deemed appropriate by the Board of Township Trustees. This possible result shall also be explained by the served notice.

**B) Removal of Unlawful Sign in the Public Rights-of-Way**

Signs, other than those installed by the Township, county, city, state, or federal government, are specifically prohibited in the public right-of-way. The Township shall immediately remove or cause to be removed from the public right-of-way any sign other than governmental as referenced above. Just as a private property owner may remove any sign placed on his or her private property, so may the Township if the sign is in violation of this article. Such removal authority must be exercised in a nondiscriminatory manner.

**C) Maintenance of Signs**

- 1) All signs as herein permitted shall be constructed and maintained and illuminated in a safe manner, comply with applicable codes and kept in good repair.
  - a. Signs shall be free from rust, dust, dirt, and other such debris
  - b. Exposed surfaces shall be clean and painted if paint is required.
  - c. Defective parts shall be replaced.
  - d. The Zoning Compliance Officer shall have the right to order the repair or removal of any sign that is defective, damaged, or substantially deteriorated. Such sign shall be repaired or removed by the owner, agent, or person having the beneficial use of the sign within 30 days after notification to the owner from the Zoning Compliance Officer.
- 2) Signs shall not be constructed, maintained, and/or illuminated in such a manner as to create or allow the obstruction of vision or drivers, pedestrians, or the general public, or create a fire or safety hazard. Signs shall be subject to the vision clearance regulations of Section 7.06 (Vision Clearance Triangle).

**8.08 General Sign Standards**

Every sign shall be designed, erected, altered, reconstructed, moved and maintained in accordance with the provisions of this section unless specifically modified by another section of Article 8 (Signage).

**A) Changeable Copy Area**

- 1) Permanent ground-mounted monument signs located in business zoning districts as well as signs used for permitted conditional uses in agricultural and residential zoning districts may incorporate up to 50 percent of total sign area for changeable copy.
- 2) Electronic information signs are prohibited except for fuel sign displays as permitted in Section 8.10(B)(7).

- 3) All changeable copy signs must be enclosed and locked securely in a clear glass or plastic casing.

**B) Dangerous or Defective Signs Not Permitted**

A sign in dangerous or defective condition shall not be permitted on any premises. Any such sign constitutes a nuisance and shall be removed or repaired as required under Section 8.07 (Administration and Enforcement).

**C) Landscaping Required for Permanent Ground-Mounted Monument Signs**

A permanent ground-mounted monument sign shall require a single continuous landscaped area to be maintained around the base of the sign in accordance with the following standards:

- 1) The minimum landscaped area shall be equal to the total sign area of the sign.
- 2) The base of the sign shall be completely surrounded by landscaping.
- 3) Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, the landscaped area shall be protected by the installation of a continuous curb with a height of six inches.
- 4) The minimum distance between any continuous curb and any part of the sign shall be 30 inches.
- 5) The landscaped area shall include two or more of the following plant materials: shrubs, trees, grass and/or seasonal varieties permanently located and properly maintained with dead vegetation replaced as soon as weather permits. The use of exposed concrete, asphalt, or any other paved surface inside the required landscaped area beneath the sign is prohibited.

**8.09 Permanent Signs Permitted in Agricultural and Residential Zoning Districts**

The following provisions shall apply to permanent, on-premise signs in agricultural and residential zoning districts.

**A) Subdivision or Development Signs**

A permanent ground-mounted monument sign or wall signs may be permitted for any subdivision or multi-family dwelling development provided that the signs meet the following requirements:

1) **General Standards Applicable to All Signs in Agricultural and Residential Zoning Districts**

- a. The signs may be permitted at each development entrance along a Township, county, or state road;
- b. The signs shall be setback 10 feet from the public right-of-way and 20 feet from any adjacent property lines.
- c. Each sign may have a maximum sign area of 24 square feet not including any fence or wall on which the sign is located;
- d. No sign or any portion of the structure shall exceed six feet in height;
- e. No sign shall bear a commercial message; and
- f. Illuminated signs shall only use external lighting sources.

- i. Fixtures shall be shielded so as to direct light only onto the sign surface.
  - 2) **Ground-Mounted Monument Signs**
    - a. A maximum of one permanent ground-mounted monument sign may be permitted for each entrance.
    - b. If an applicant proposes to use a ground-mounted monument sign, no wall signs shall be permitted.
  - 3) **Wall Signs**
    - a. A maximum of two wall signs may be permitted for each entrance.
    - b. The signs shall be mounted to a wall or fence that generally runs parallel with the street.
    - c. If an applicant proposes to use a wall sign, no ground-mounted monument sign shall be permitted.
- B) Public and Institutional Signs**
- One permanent ground-mounted monument sign may be permitted for any public or institutional use provided that the sign meets the following requirements:
- 1) The sign shall be set back 10 feet from the public right-of-way and 20 feet from any adjacent property lines.
  - 2) The maximum sign area shall be 32 square feet;
  - 3) The sign may include a changeable copy sign provided that it does not comprise more than 50 percent of the total sign area and shall not include electronic information signs;
  - 4) No such sign or any portion of the structure shall exceed six feet in height;
  - 5) No such sign shall bear a commercial message; and
  - 6) The sign may only be illuminated through external lighting.
    - a. Fixtures shall be shielded so as to direct light only onto the sign surface.

**8.10 Permanent Signs Permitted in Nonresidential Zoning Districts**

The following provisions shall apply to permanent, on-premise signs in the O-1, B-1, B-2, B-3, and I-1 Districts.

**A) Automated Teller Machines**

Automated Teller Machines (ATM) or similar devices either attached to a primary structure or enclosed within an independent free standing structure shall be permitted two square feet of sign area for every one foot width of the ATM structure with a maximum total sign area of 20 square feet.

**B) Ground-Mounted Monument Signs**

- 1) One ground-mounted monument sign shall be permitted for each developed parcel.
- 2) Where a developed parcel has street frontage in excess of 250 feet, one additional ground-mounted monument sign may be permitted provided there is a minimum of 150 feet between the signs and the sign is set back a minimum of 50 feet from any adjacent lot line.
- 3) The permitted sign area shall be based on a ratio of one-half of a square foot of sign area for each linear foot of public street frontage with a maximum sign area of 32 square feet.

- 4) The maximum height of a sign shall be six feet.
- 5) The sign shall be set back 10 feet from the public right-of-way and any adjacent lot lines. Greater setbacks may be required to improve sight distances at intersections.
- 6) The signs may be internally or externally illuminated.
  - a. If externally illuminated, then fixtures shall be shielded so as to direct light only onto the sign surface.
- 7) The only electronic display that may be used shall be for the display of fuel prices. A maximum of two fuel price displays, separated by a minimum four inch band, are allowed provided the individual display areas do not exceed 13 inches tall by 32 inches wide. See Figure 8.10-1. The sign area shall be included in the maximum sign area allowed pursuant to Section 8.10 (B) (3).



*Figure 8.10-1: Illustration of permitted fuel sign display areas.*

**C) Major Development Signs**

Ground signs that are accessory to a permitted shopping center, office building, office park or campus, multi-tenant buildings, or other property with at least 30,000 SF of retail, office, or industrial floor area within a B-2, B-3, O-1 or I-1 District shall be permitted in accordance with the following:

- 1) The street frontage must abut an expressway, principal arterial, major arterial, arterial or thoroughfare roadway as determined or defined by the county engineer.
- 2) The sign shall be a ground-mounted monument sign with a base constructed of the same materials as the principal structure on the lot.
- 3) Such sign may be located on the same lot as another business ground sign as permitted in Subsection 8.10 (B) subject to not being located closer than 100 feet.

- 4) The sign shall be located in a landscaped area that meets the requirements of Subsection 8.08 (C).
- 5) The maximum sign area and height shall be as established in Table 8-1.

<b>Table 8-1: Maximum Sign Height Area and Height for Major Development Signs</b>		
<b>Gross Building Square Footage</b>	<b>Square Feet of Sign Area</b>	<b>Maximum Sign Height</b>
30,000 to 49,999 Square Feet	32 per side	6 Feet
50,000 to 99,999 Square Feet	40 per side	8 Feet
100,000 or more Square Feet	50 per side	10 Feet

- 6) The sign shall be set back a minimum of 20 feet from the public right-of-way and 100 feet from any adjacent lot lines. Greater setbacks may be required to improve sight distances at intersections.
- 7) The signs may be internally or externally illuminated.
  - a. If externally illuminated, then fixtures shall be shielded so as to direct light only onto the sign surface.

**D) Other Permitted Sign Types**

In addition to ATM, ground-mounted monument, and major development signs, awning signs, under marquee signs, and wall signs shall be permitted in the nonresidential zoning districts based on the following provisions.

**1) Total Sign Area Allowed**

The maximum total sign area for all awning and wall signs shall be based on a ratio of one square foot of sign area for each linear foot of building frontage.

**2) Permanent Awning Signs**

- a. A maximum of one awning sign shall be permitted for an individual business or establishment.
- b. If illuminated, such awning shall be lit externally through gooseneck lighting or through other concealed lighting sources.
- c. An awning sign shall not project higher than the top of the awning to which sign text is affixed.

**3) Permanent Under Marquee Signs**

- a. No more than one under marquee sign is permitted for an individual business or establishment.
- b. Signs attached to the underside of a marquee shall have a sign area no greater than four square feet per sign face.
- c. Such signs shall have a minimum clearance of nine feet from the bottom of the sign to the sidewalk.
- d. If illuminated, under marquee signs shall be lit through concealed lighting sources.

4) **Permanent Wall Signs**

- a. Wall signs shall not be painted directly onto the building.
- b. Signs attached to a canopy shall count as a wall sign.
- c. Premises fronting on more than one public right-of-way shall not combine permissible sign area for two or more building frontages for the purpose of placing the combined area of the signs on one building frontage.
- d. A wall sign shall not project above the top of the wall to which attached or be more than 15 feet in height, whichever is less.
- e. A wall sign shall not project more than 18 inches from the wall of the building upon which it is mounted.
- f. A wall sign shall be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall to which the sign is mounted.
- g. A wall sign shall not extend beyond the limits of any wall to which they are attached.
- h. A wall sign shall not mask or interrupt a major architectural feature such as, but not limited to, doors, windows, or trim.
- i. A wall sign shall have hidden structural supports and shall be mounted in such a way as to not allow movement by atmospheric conditions.
- j. If illuminated, such lighting shall not produce glare and all lighting elements, including wiring, shall be concealed from view.

5) **Menu Boards**

One, single-sided menu board shall be permitted per parcel under the following provisions:

- a. The menu board is accessory to a principal permitted use.
- b. The maximum sign area shall be 32 square feet.
- c. The maximum sign height shall be eight feet.
- d. The menu board shall be skirted to the ground with like materials of the principal structure on the parcel and have foundation landscape plantings.
- e. Menu boards shall be set back a minimum of 15 feet from the street right-of-way line and any lot lines.
- f. The signs shall be effectively screened from adjacent properties using a variety of landscape plantings.
- g. Such signs may be internally illuminated only.
- h. Such signs shall not count toward other sign area requirements in the applicable district.

6) **Premenu Boards**

One, single-sided premenu board shall be permitted per parcel under the following provisions:

- a. The premenu board is accessory to a principal permitted use.
- b. The maximum sign area shall be 18 square feet.
- c. The maximum sign height shall be six feet.

- d. The premenu board shall be skirted to the ground with like materials of the principal structure on the parcel and have foundation landscape plantings.
- e. Premenu boards shall be set back a minimum of 15 feet from the street right-of-way line and any lot lines. The signs shall be effectively screened to the greatest extent practical from adjacent properties using a variety of landscape plantings.
- f. Such signs may be internally illuminated only.
- g. Such signs shall not count toward other sign area requirements in the applicable district.

**8.11 Signs Permitted in R-PUCD or PUD Districts**

- A) Signs which have been approved as part of an R-PUCD or PUD District may vary from the requirements stated within this article.
- B) Variations permitted through the R-PUCD or PUD process may include, but are not limited to, total number of signs permitted, sign size, sign setback, sign height, material composition of sign and percentage of sign area devoted to changeable copy or electronic copy.
- C) Ground-mounted signs shall be limited to monument style signs.

**8.12 Temporary Signs**

**A) General Definitions Related to Temporary Signs**

- 1) Temporary signs shall be as defined in this Resolution and may include, but are not limited to political signs, real estate signs, and special event signs.
- 2) Temporary signs with a commercial message include, but are not limited to, real estate signs, signs that reference the sale of items or other business related activities, or that include text classified as a commercial message.
- 3) Temporary signs that do not contain a commercial message include, but are not limited to, political signs and any other sign with text that is not classified as a commercial message.

**B) Standards that Apply to All Temporary Signs**

- 1) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured by any permanent means to any building, permanent sign, other structure or improvement, or to the ground upon which it is erected.
- 2) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roof of a structure.
- 3) No temporary sign shall be illuminated by anything other than non-reflected daylight, except by variance issued by the BZA
- 4) Temporary signs shall be set back a minimum of 20 feet from the edge of street pavement or the edge of a public street right-of-way, whichever is the greater setback.

**C) Permitted Temporary Signs in an Agricultural or Residential Zoning District**

This section addresses permitted temporary signs in an agricultural or residential zoning district

- 1) The maximum height of temporary signs in an agricultural or residential zoning district shall be four feet unless specifically permitted under Subsection (3) below.

- 
- 2) Up to two temporary signs that contain a commercial message may be permitted on an individual parcel (without a Zoning Certificate). Such signs shall be limited to six square feet or less in sign area.
  - 3) As an accessory use to the permitted temporary commercial activity of land development, one temporary sign with a maximum sign area of 32 square feet and a maximum height of six feet may be permitted during the development of a subdivision or for the construction of a nonresidential use. Such sign shall require a Zoning Certificate and fee and may be maintained for the following periods of time, whichever comes first:
    - a. A period not to exceed two years; or
    - b. Until 20 days following the completion of construction of the last dwelling unit.

**D) Permitted Temporary Signs in Nonresidential Districts**

This section addresses permitted temporary signs in a nonresidential zoning district

- 1) Up to two temporary signs that contain a commercial message may be permitted on an individual parcel (without a Zoning Certificate). Such signs shall be limited to ten square feet or less in sign area.
- 2) Temporary signs greater than ten square feet in area, with a commercial message, may be permitted under the following provisions:
  - a. The owner of the property where the sign will be located shall apply for and receive a Zoning Certificate for the sign;
  - b. There shall be a limit of one sign per premises and such sign shall not exceed 32 square feet per side with a maximum of two sides;
  - c. The sign shall not be illuminated; and
  - d. A temporary sign permitted under this section may be permitted for a period of 30 days per Zoning Certificate, and not to exceed 60 days per year.
- 3) The maximum height of temporary signs in a nonresidential zoning district shall be six feet unless temporarily attached to the structure, in which case it may not extend above the roof line.
- 4) **Temporary Signs for Development/Construction**
  - a. One temporary sign advertising a new development may be erected per development entrance off a collector or arterial road as defined in the Greene County Thoroughfare Plan.
  - b. The sign may be posted 60 days prior to, and throughout the duration of construction.
  - c. The sign shall not exceed 32 square feet in area per side with a maximum of two sides.
  - d. The maximum height of the sign shall be six feet.
  - e. The sign shall be setback a minimum of 20 feet from the adjacent roadway pavement. Greater setbacks may be required to ensure placement outside of the right-of-way.
  - f. A Zoning Certificate is required.
- 5) Menu Boards, sandwich Board, or similar A-frame signs may be permitted, without a Zoning Certificate, under the following provisions:
  - a. A maximum of one sign shall be permitted for each business or establishment.

- b. The maximum sign areas shall be six square feet with a maximum height of four feet.
- c. The sign shall only be permitted on the sidewalk adjacent to the business during business hours and only when a minimum sidewalk clearance width of four feet can be maintained for pedestrian safety.
- d. The sign shall not be illuminated.

**8.13 Temporary Signs for Public or Institutional Uses**

Public or institutional uses shall be permitted to utilize temporary signs pursuant to this section provided the sign meets the following provisions:

- 1) The temporary sign does not include a commercial message;
- 2) The sign shall not exceed 32 square feet in area for any one side;
- 3) The sign shall not exceed six feet in height; and
- 4) Up to one sign shall be permitted for a period of 30 days and shall not exceed 90 days per year.

**8.14 Off-Premise Signs (Billboards)**

- A) Off-premise signs, also called billboards, shall be classified as a business use and are permitted in all districts zoned for industry, business, or trade, or lands used which are exempt from Township zoning regulations pursuant to Section 519.21 of the Ohio Revised Code.
- B) No portion of any off-premise sign shall project over or encroach upon any public property or public right-of-way.
- C) As a business, billboards shall be considered a principal use and shall be required to meet all setback and lot area requirements of the applicable zoning district unless otherwise required herein.
- D) Billboard shall be set back a minimum of 1,500 feet from any other billboard, a residential zoning district, or a recorded subdivision.
- E) Any illumination of an off-premise sign shall be of an indirect type and shall not face toward any residential area nor direct lighting in any direction other than toward the sign face itself.
- F) The maximum sign area and minimum setback shall be as follows:
  - 1) The maximum sign area for billboards on land used for agricultural uses is 32 square feet with a minimum setback of 15 feet from the right-of-way.
  - 2) Billboards in a business, office, or industrial zoning district shall not have a sign area of more than 100 square feet. Billboards in business and industrial zoning districts shall be setback a minimum of 100 feet from all rights-of-way, except as required by the Ohio Department of Transportation, which may require greater setback distances along primary highways. The maximum sign area for billboards in business and industrial zoning districts may be increased to a maximum area of 300 square feet provided that for every two square feet of sign area over 100 square feet, such sign shall be setback an additional one foot from any right-of-way.
- G) No billboard shall exceed 30 feet in height as measured from the grade of the road adjacent to the billboard;

- H) A billboard sign may contain two signs oriented back-to-back, or V-type with an angle not to exceed 35 degrees, provided that the total area of the sign faces oriented in any one direction shall not exceed maximum size provisions of subsection (F) above.

**8.15 Nonconforming Signs**

- A) Any sign lawfully existing on the effective date of an amendment to this article that does not conform to all the standards and regulations of the current Resolution shall be deemed to be legally nonconforming.
- B) A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards or demountable material on nonconforming signs shall be permitted. This shall include reimaging of a sign when there is a change in ownership or use provided that the nonconformity is not expanded.
- C) Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs and neon tubing repair shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this article or to make it less nonconforming.
- D) If a nonconforming sign is damaged by more than 50% of its replacement value, it shall be removed and shall not be repaired or replaced except in conformance with this article.
- E) Any nonconforming sign, which is altered, relocated or replaced, shall comply with all provisions of this article as if it were a new sign.

**8.16 Illegal Signs**

- A) Any sign which is contrary to the requirements of this Resolution and which does not satisfy the nonconforming specifications stated in this Resolution shall be deemed an illegal sign.
- B) Signs that were illegally erected, established or maintained with respect to the applicable requirements of prior Resolutions shall be removed or brought into compliance with this sign Resolution per the requirements and procedures of Section 8.07 (Administration and Enforcement).

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## ARTICLE 9: PARKING, LOADING, AND CIRCULATION

### 9.01 Purpose

The purpose of these regulations are:

- A) To relieve congestion on the streets by requiring that parking, loading, and associated circulation be provided on property and off streets in relation to the parking demand generated by the property user.
- B) To promote safety and convenience for people by requiring that vehicular use areas and driveways be located and constructed according to good standards for visibility and accessibility.
- C) To protect the visual amenities and values of residential areas by the visual screening of large parking areas by limiting the parking and storage of vehicles, boats, trailers and trucks in residential areas.

### 9.02 Applicability

#### A) New and Expanded Uses

The requirements of this article shall apply to the following:

- 1) A Zoning certificate application for the construction of a new building;
- 2) For an alteration, addition, or change of use of an existing building that would expand the square footage of a use, would require more parking based on the requirements of this article, or where an existing non-conforming parking lot is present; or
- 3) Where an expansion of an existing parking lot is proposed.

#### B) Existing Uses

The off-street requirements of this article shall not apply to buildings and uses legally in existence on the effective date of this Zoning Resolution unless modified in the manner stated in Subsection (A) (New and Expanded Uses) above. Furthermore, any parking or loading facilities now serving such existing buildings or uses shall not be reduced below the requirements established in this article in the future.

#### C) Maintenance

The duty to provide and maintain all parking, loading, or other vehicular use areas shall be the joint responsibility of the owner, operator, and lessee of the use for which the vehicular areas are required.

#### D) Plan Review

For any off-street parking, loading, or vehicular use area required under this article with five or more parking spaces, a plan shall be submitted with the application for a Zoning certificate. The required contents of the plan shall be as established by the Zoning Compliance Officer.

### 9.03 Driveways

- A) Any and all access points on roads shall require a driveway permit, and be constructed to the specifications listed on the permit. The permit shall be reviewed by the Sugarcreek Township Service Department who shall make the final administrative decision on the driveway permit.

- B) Driveways on county or state roads and highways may be subject to review by Greene County Engineer or the Ohio Department of Transportation.

**9.04 Off-Street Parking Regulations**

**A) Required Parking Spaces**

**1) Rules for Computing Parking Spaces**

The following rules shall apply when computing parking spaces:

**a. On-Street Parking**

On-street parking spaces shall not be counted toward off-street parking space requirements.

**b. 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.

**c. Fractions**

When a measurement of the number of required spaces results in a fractional number, any fraction of  $\frac{1}{2}$  or less shall be rounded down to the next lower whole number and any fraction of more than  $\frac{1}{2}$  shall be rounded up to the next higher whole number.

**d. Area Measurements**

- i. 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.
- ii. 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.

**e. Occupancy- or Capacity- Based Standards**

- i. 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 fire-rated capacity, whichever is applicable, and whichever results in a greater number of parking spaces.
- ii. In hospitals, bassinets shall not be counted as beds.
- iii. 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.

**f. Unlisted Uses**

- i. Upon receiving an application for a use not specifically listed in the parking schedule below, the Zoning Compliance Officer 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.

**ARTICLE 9: PARKING, LOADING, AND CIRCULATION**

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- ii. If the Zoning Compliance Officer determines that there is no listed use similar to the proposed use, intensity, or size, they may refer to the estimates of parking demand based on recommendations from parking studies prepared by the Institute of Traffic Engineers (ITE), Urban Land Institute (ULI), and/or the American Planning Association (APA).

**B) Required Number of Spaces**

- 1) Table 9-1 defines the number of parking spaces required for each use within Sugarcreek Township.
- 2) For all uses except single-family and two-family dwellings, the number of parking spaces required in Table 9-1 below may be modified according to the following provisions without requiring a variance or other review outside of the Zoning certificate:
  - a. An applicant may provide a number of spaces equal to the number of spaces required by Table 9-1; or
  - b. Up to 10 percent fewer than the number of spaces required by Table 9-1; or
  - c. Up to 20 percent more than the number of spaces required by Table 9-1.

**Table 9-1: Required Number of Parking Spaces**

Use	Required Parking Spaces
<b>Residential Uses</b>	
Institutional housing (e.g., nursing homes, adult family homes, assistant living, etc.)	1.5 spaces per bedroom
Multi-family dwellings	1.5 spaces per dwelling unit plus 0.5 space per unit designated as visitor or guest parking
Single-family and two-family dwellings (including any manufactured housing)	2 spaces per dwelling unit plus one additional space if the dwelling unit has 4 or more bedrooms
<b>Commercial and Office Uses</b>	
Amphitheaters, auditoriums, stadiums, theaters, and other places of assembly	1 space per 2 fixed seats or 1 space per 2 persons, whichever is greater
Automotive body repair, or service	3 spaces per 1,000 square feet of floor area, excluding services bays, plus 2 spaces per service bay (service bay may not be counted as a parking space).
Automotive fuel sales	4 spaces per 1,000 square feet of floor area, excluding services bays, plus 1 space per fuel pump or service bay (service bay may not be counted as a parking space).
Automotive washes	3 spaces per washing bay (washing bay may not be counted as a parking space).
Automotive, truck, boat, or other vehicle sales or rental	10 spaces per 1,000 square feet of indoor floor area, plus 2 spaces per service bay (service bay may not be counted as a parking space).
Banks or financial institutions	4 spaces per 1,000 square feet.
Banquet halls, exhibition halls	1 space per 2 persons, or 1 per 1,000 square feet, whichever is greater
Bed and Breakfast Establishment	2 spaces for the owner or operator, plus 1 space for each bedroom rented to the public
Broadcasting/recording studios	2 spaces per 1,000 square feet plus 1 space per 3 fixed seats.

**ARTICLE 9: PARKING, LOADING, AND CIRCULATION**

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**Table 9-1: Required Number of Parking Spaces**

Use	Required Parking Spaces
Day care centers	1 space for every 4 children
Funeral homes	1 space per 50 square feet
Garden store or greenhouse	4 spaces per 1,000 square feet of indoor sales area, plus 1 space per 1,000 square feet of greenhouse or net outdoor sales
General offices	3 spaces per 1,000 square feet.
Hotels and motels	1 space per room or suite
Medical or dental clinics	4 spaces per 1,000 square feet.
Personal services including barber shops and beauty salons	6 spaces per 1,000 square feet, or 2 spaces per station/chair, whichever is greater
Restaurants, bars, and taverns	10 spaces per 1,000 square feet
Retail commercial uses	4 spaces per 1,000 square feet
Service commercial uses	4 spaces per 1,000 square feet.
Storage facility	1 space per 2 storage units.
Telecommunication structures	1 space per structure.
Veterinary facilities	4 spaces per 1,000 square feet
Wholesale, bulk goods, hardware, furniture, or similar sales	2.5 spaces per 1,000 square feet.
All other commercial or office uses	4 spaces per 1,000 square feet
<b>Manufacturing/Industrial Uses</b>	
Industrial or manufacturing uses	1.5 spaces per 1,000 square feet.
Warehousing or storage	1 space per 2,000 square feet.
<b>Institutional/Public/Recreational Uses</b>	
Ballfields	30 spaces per field
Bowling alley	5 spaces per bowling lane
Religious places of worship	1 space per 3 fixed seats in the main assembly room or 1 space per 3 persons, whichever is greater
Cemetery	1 space per 4 seats in a chapel or place of assembly
Colleges, universities and other higher educational facilities	1 space for each 5 classroom seats plus 1 space for each auditorium seat
Elementary or middle/junior schools	3 spaces per classroom
Golf courses	10 spaces per hole
Golf driving ranges	2 spaces per tee
Hospitals	1 space for every 2 patient beds plus outpatient clinics, laboratories, pharmacies and other similar uses shall have 4 spaces per 1,000 square feet.
Indoor recreational facility	2 spaces per 1,000 square feet
Libraries, museums and galleries	3 spaces per 1,000 square feet
Miniature golf courses	2 spaces per hole
Parks or playgrounds not otherwise specified	1 space per 10,000 square feet of park or playground area
Racquetball, handball and tennis courts	5 spaces per court.
Senior high schools	1 space per 5 students.

C) **Design of Parking Spaces and Aisles**

All off-street parking areas shall meet the following provisions unless otherwise provided for in other sections of this Resolution.

1) **Location and Setback Requirements**

- a. Parking spaces shall be located on the same lot as the principal use they serve unless the spaces meet the requirements of Subsections 9.05 (B) (Shared Parking) or 9.05 (C)(Off-Site Parking).
- b. Parking lots shall be located, to the maximum extent feasible, to the rear and side of buildings.
- c. Parking areas shall be subject to the landscaping, buffering, and screening requirements of Article 10 (Landscaping and Buffering).
- d. Parking areas shall be set back a minimum of ten feet from any street right-of-way unless the zoning district across the street is a residential zoning district in which case the parking areas shall be set back a minimum of 20 feet from the right-of-way.
- e. On side and rear lot lines, all parking areas shall be set back a minimum of five feet from the lot line unless adjacent to a residential district in which case the parking areas shall be set back a minimum of 20 feet from the lot line.
- f. No entrance to or exit from a parking area of five vehicles or more shall be closer than 50 feet to the right-of-way line of intersecting public streets or signalized intersection. See Figure 9.04-1 except as permitted by the Greene County Engineer’s office.

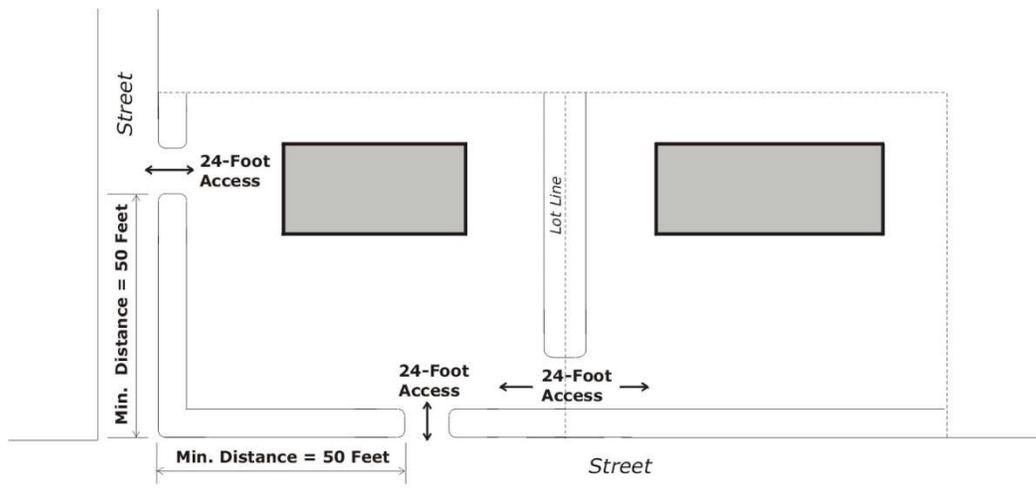


Figure 9.04-1: Illustration of access locations for parking areas.

2) **Access**

- a. For all multi-family dwelling uses and nonresidential uses, adequate access to off-street parking areas shall be provided from a public street, easement, or shared access to an adjacent property through the use of a driveway with a minimum width of 24 feet at the property line. See Figure 9.04-2.

## ARTICLE 9: PARKING, LOADING, AND CIRCULATION

### Section: 9.04 Off-Street Parking Regulations

- b. All parking spaces shall be entered and exited along parking aisles arranged perpendicular to access drives or aisles to the maximum extent feasible. Parking spaces shall not be located along entry drives within 30 feet of the right-of-way (See Figure 9.04-2.).

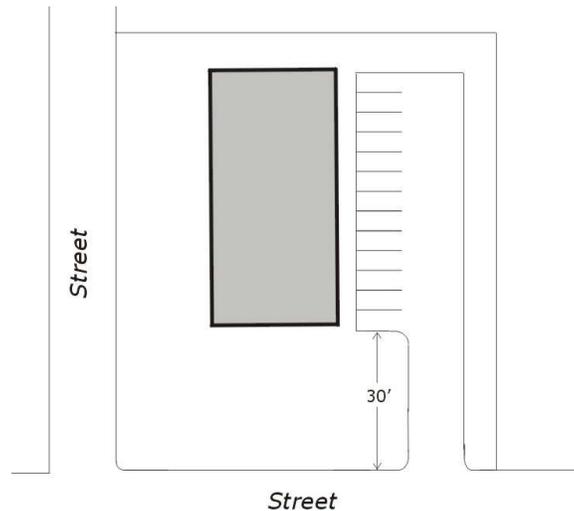


Figure 9.04-2: Accessing parking spaces.

- c. Driveways shall be located so loading and unloading activities will not hinder vehicular ingress and egress.
- d. To the maximum extent feasible, provisions for primary access along secondary streets shall be provided to minimize traffic congestion on primary arterial streets.
- e. The Township may require the owner to provide acceleration and/or deceleration lanes where traffic volumes indicate the need with guidance from the Greene County Engineer.
- f. **Sidewalks along a Public Street**
- i. In the O, B, O-PUD, B-PUD, and MU-PUD Districts any use or building subject to the provisions of this article and established after the adoption of this Resolution shall be required to install a six foot wide pedestrian walkway along all public streets for the full length of street frontage. Said walkway shall align with adjoining properties and shall be recorded as a public easement. Said walkway should also meander slightly and not run parallel to the right-of-way at all times. Pedestrian walkways at driveways, curb cuts, and intersections shall be flushed to meet the top of the concrete apron to avoid abrupt changes in elevation at these intersections.

## ARTICLE 9: PARKING, LOADING, AND CIRCULATION

### Section: 9.04 Off-Street Parking Regulations

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- ii. In the O, B, O-PUD, B-PUD, and MU-PUD Districts any established use or building that is expanded more than 50 percent of the existing floor area after the adoption of this Resolution shall be required to install a six foot wide pedestrian walkway along all public streets for the full length of street frontage. Said walkway shall align with adjoining properties and shall be recorded as a public easement. Said walkway should also meander slightly and not run parallel to the right-of-way at all times. Pedestrian walkways at driveways, curb cuts, and intersections shall be flushed to meet the top of the concrete apron to avoid abrupt changes in elevation at these intersections.
  - iii. In R-1A, R-1B, R-PUCD, and PUD-R Districts any use or building subject to the provisions of this article and established after the adoption of this Resolution shall be required to provide a four-foot wide sidewalk along all public streets for the full length of street frontage.
  - iv. In R-1A, R-1B, R-PUCD, and PUD-R Districts any established use or building that is expanded more than 50 percent of the existing floor area after the adoption of this Resolution shall be required to install a four-foot wide sidewalk along all public streets for the full length of street frontage.
  - v. All sidewalks shall meet the minimum design requirements of the rules and regulations of the Greene County Subdivision Regulations.
- g. **Walkway Connections to Public Sidewalks**
- i. Where a sidewalk exists in a public right-of-way adjacent to the site, or is required to be constructed as part of the development approval, a pedestrian connection shall be constructed from the building to the sidewalk. See Figure 9.04-3.
  - ii. The pedestrian connections shall be constructed of asphalt, concrete, or of hard surface pavers.
  - iii. The pedestrian connection may be created as part of a driveway provided that it is delineated with a minimum of a painted line and the portion utilized for vehicular traffic is not reduced from the minimum width requirements.
  - iv. The pedestrian connection shall have a minimum width of four feet.

**ARTICLE 9: PARKING, LOADING, AND CIRCULATION**

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Figure 9.04-3: This image illustrates a sidewalk connection between a building and a public sidewalk in the right-of-way. This connection includes both a separate sidewalk (foreground) and a connection delineated through a painted line (background).

3) **Maneuverability Areas**

The following provisions shall be followed to maintain efficient maneuverability:

a. **Turn Around Area**

Where more than three parking spaces are served by a single driveway, a turn around area shall be provided, or other provisions made, to permit cars to exit the parking lot without backing onto any street or sidewalk. See maneuvering aisle widths in Table 9-2 and Figure 9.04-4.

b. **Back-Up Area**

Each parking space shall be provided with a sufficient back-up area so as to permit egress in one maneuver, consisting of one backward and forward movement. See maneuvering aisle widths in Table 9-2 and Figure 9.04-4.

4) **Dimensional Requirements**

- a. Parking stalls shall conform to the minimum standards set forth in Table 9-2 and Figure 9.04-4.
- 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 other well maintained wheel stops are used to prevent damage to landscaped areas. (See Figure 9.04-4.)

<b>Table 9-2: Parking Area Dimensions</b>				
<b>Angle of Parking (degrees)</b>	<b>One-Way Maneuvering Aisle Width (Feet)</b>	<b>Two-Way Maneuvering Aisle Width (Feet)</b>	<b>Parking Stall Width (Feet)</b>	<b>Parking Stall Length (Feet)</b>

**ARTICLE 9: PARKING, LOADING, AND CIRCULATION**

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	“A”	“A”	“B”	“C”
0 – Parallel	12	20	10	23
30 – 53	13	20	10	20
54 – 75	18	22	10	20
76 – 90	22	24	9.5	18

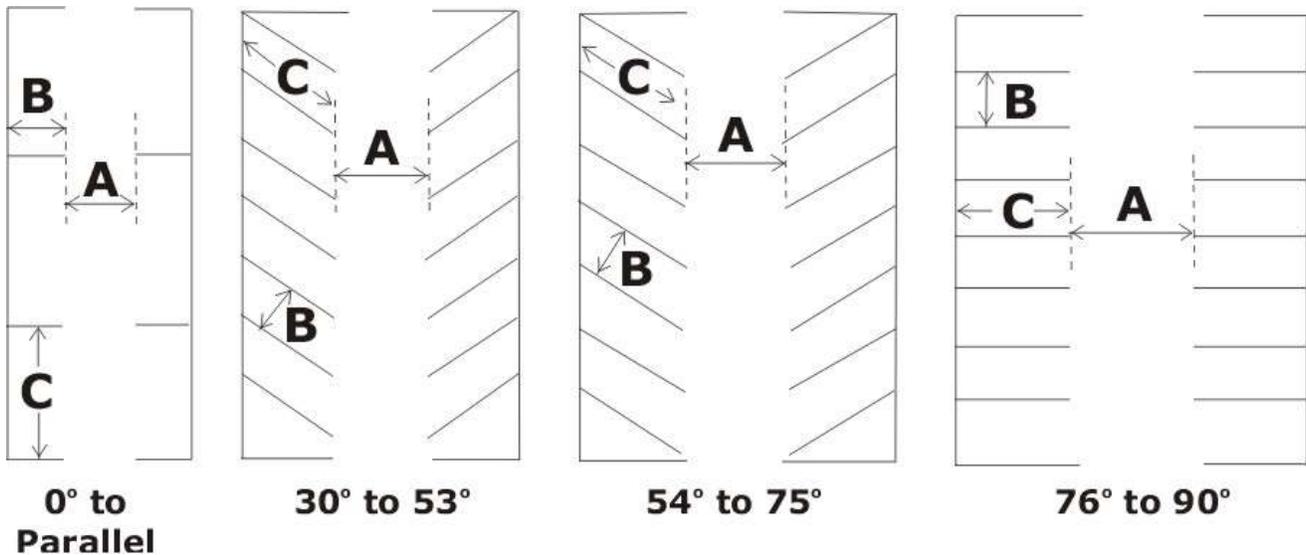


Figure 9.04-4: Parking Area Dimensions

5) **Surface**

- a. All off-street parking areas, driveways, and aisles for residential uses on lots smaller than one acre shall be graded and paved with an asphalt or concrete surface.
- b. Parking areas and aisles in all other districts shall be paved with an asphalt or concrete surface.
- c. Pavers or porous pavement systems that allow for stormwater drainage to pass through or grass to grow through them may be permitted for use in up to 50% of the parking areas and aisles. Only 25% of an area paved with pavers or other porous pavement systems shall count toward the maximum lot coverage established in Section 4.11 (Site Development Standards) and in the PUD Districts .

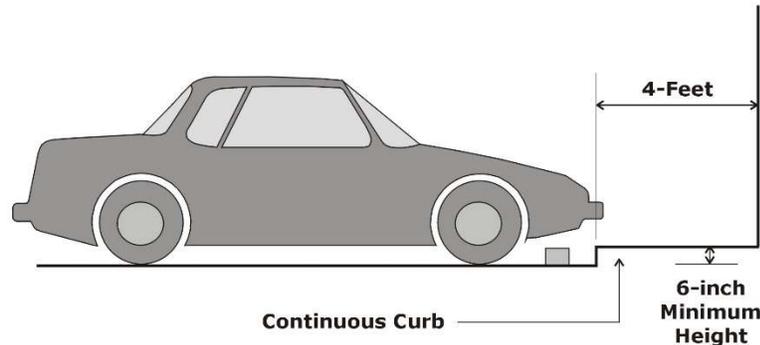
6) **Continuous Curbs**

- a. Continuous curbs shall be made of asphalt, concrete, stone or other similar material and shall have a height of 6 inches and a minimum width of 6 inches. They shall form a non-interrupted edge around all landscaped areas adjacent to parking and maneuverability areas.
- b. Continuous curbs shall be located a minimum of four feet from any structures, buildings, or walls to prevent a vehicle from hitting any structure at the edge of a parking area. See Figure 9.04-5.

## ARTICLE 9: PARKING, LOADING, AND CIRCULATION

### Section: 9.04 Off-Street Parking Regulations

- c. Continuous curbs shall be required to surround parking areas in all business districts for parking lots with 25 or more parking spaces.
- d. Continuous curbs shall not be required where the site will utilize depressed landscaped islands, rain gardens, or other techniques to accommodate stormwater. In such cases, wheel stops may be utilized as a method of separating vehicular movement from pedestrians and landscaping.



*Figure 9.04-5: Where used, wheel stops or continuous curbs shall be setback two feet from pedestrian walkways to prevent vehicles from driving onto the walkways. Where both wheel stops and continuous curbs are present, the two feet shall be measured from the wheel stops.*

7) **Striping**

The individual parking spaces (stalls) shall be striped according to the approved layout of the parking area.

8) **Lighting**

Any parking area, which is intended to be used during non-daylight hours, shall be properly illuminated to avoid accidents. Lighting shall be subject to the provisions of Section 7.02 (Outdoor Lighting).

9) **Drainage**

All parking areas shall provide for drainage of surface water in accordance with all applicable federal, state, and county runoff control and sediment abatement regulations, to prevent the drainage of such water onto adjacent properties and onto sidewalks. Parking spaces may be located within drainage easements subject to approval by the Township.

10) **Cross Access Easements**

- a. The Zoning Inspector shall review all sites in nonresidential zoning districts to determine whether it is necessary to provide cross access easements to adjacent parcels in order to achieve better circulation throughout the corridor and to minimize driveway cuts along public roads. Such review will be in conjunction with the Greene County Engineers Office.

## ARTICLE 9: PARKING, LOADING, AND CIRCULATION

### Section: 9.05 Alternative Parking Options

- b. Where a cross access easement is determined to be necessary, shared maintenance agreements shall be filed with the Greene County Recorder and provided to the Zoning Inspector prior to approval. All cross access easements shall comply with the Greene County Engineer's Office Access Management Regulations or as otherwise approved or required.

11) **Bicycle Racks**

Applicants are encouraged to provide bicycle racks and facilities on nonresidential including business and public uses.

D) **Parking Requirements for Physically Disabled**

Applicants shall provide parking spaces for the physically disabled as required by the Ohio Basic Building Code and shall include all necessary markings, striping, and signage.

E) **Fire Code**

All parking and loading plans shall conform to all requirements set forth in the fire code as adopted by Sugarcreek Township and as approved by the Township's fire department.

F) **Maintenance of Parking Areas**

Every off-street parking space required by these regulations shall be provided with satisfactory access to a street, easement, shared access road, or alley by means of a solid and dust free driveway that meets the requirements of Subsection 9.04 (C)(5) (Surface), and all parking areas shall be developed and maintained in accordance with the provisions of this article.

### 9.05 Alternative Parking Options

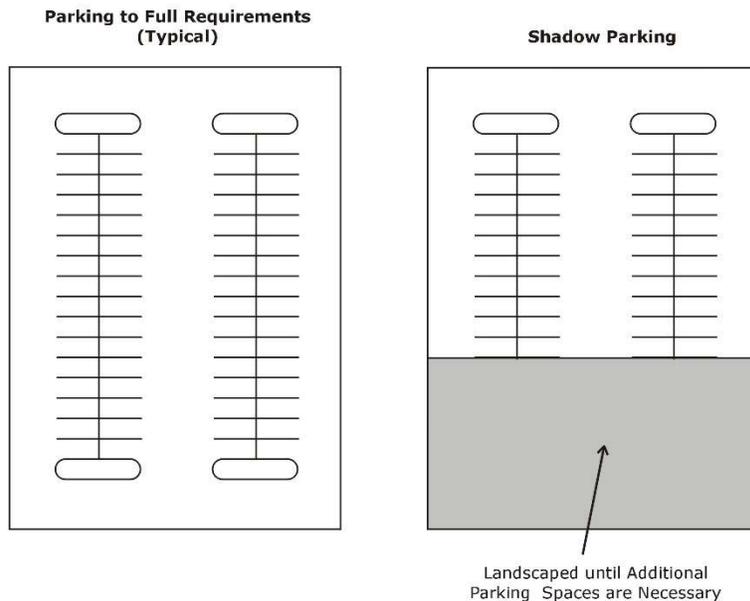
The following are 3 methods of accommodating parking as an alternative to constructing the required number of parking spaces on an individual lot.

A) **Shadow Parking**

A portion of the required parking spaces may remain landscaped and unpaved or paved with pervious pavers provided that the parking and unpaved areas complies with the following standards. See Figure 9.04-6.

## ARTICLE 9: PARKING, LOADING, AND CIRCULATION

### Section: 9.05 Alternative Parking Options



*Figure 9.04-6: Shadow parking*

- 1) No more than 25 percent of the required number of parking spaces may be designated for shadow parking.
- 2) The area designated as a shadow parking, or future parking, area shall be considered an impervious surface for the purpose of calculating the maximum lot coverage as established in Section 4.11 (Site Development Standards) and in the PUD Districts.
- 3) The plans submitted with the Zoning certificate application shall denote the location and layout of that portion of the parking area that currently not deemed required. The plan shall indicate that the “shadow” parking spaces will be constructed according to this Resolution in the event that the Zoning Compliance Officer makes a finding, at any time, that all or any portion of this parking is necessary.
- 4) At no time shall any portion of the required parking area that is so designated for future construction be used for the construction of any structure or paved surface with the exception that pervious pavers may be used to provide temporary parking provided that the pavers allow for grass and other vegetation to grow through the material.
- 5) At no time shall any portion of the required parking or loading that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this article.
- 6) The owner shall initiate construction of the approved "future" parking area, as identified on the approved plan, within three months of the receipt of a certified letter or a letter through normal postal service (in the event that the certified letter is not accepted) sent to the owner of record from the Zoning Compliance Officer, identifying that such parking is determined to be necessary.

## ARTICLE 9: PARKING, LOADING, AND CIRCULATION

### Section: 9.05 Alternative Parking Options

- 7) When the designated shadow parking area is constructed, it shall not be included as part of the interior landscaping required in Section 10.08 (Interior Landscaping Requirements for Parking Areas).

#### B) Shared Parking

A portion of the required parking spaces may be located on an adjacent property if the parking area complies with the following.

- 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) 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 parking may be approved if:
  - a. A sufficient number of spaces are provided to meet the highest demand of the participating uses;
  - b. The uses are located adjacent to each other;
  - c. Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the Zoning Compliance Officer, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between them.
  - d. The shared parking spaces will not be located in excess of 200 feet from the uses they are intended to serve;
  - e. A legal shared parking agreement is submitted and approved by the Sugarcreek Township Attorney or the prosecuting attorney, that provides for the rights of the respective parties to use the shared parking areas in a manner adequate to accommodate multiple users or that parking spaces will be shared at specific times of the day (i.e., one activity uses the spaces during daytime hours and another activity use the spaces during evening hours). This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.
  - f. The approved shared parking agreement shall be filed with the application for a Zoning certificate and shall be filed with the county recorder and recorded in a manner as to encumber all properties involved in the shared parking agreement.
  - g. No Zoning certificate will be issued until proof of recordation of the agreement is provided to the Zoning Compliance Officer.
  - h. Shared parking shall not account for more than 30 percent of the required parking spaces as established in Subsection 9.04 (B) (Required Parking Spaces).

#### C) Off-Site Parking

A portion of the required parking spaces may be located on a separate lot from the lot on which the principal use is located if the off-site parking complies with the following standards.

- 1) Off-site parking shall not be used to satisfy the off-street parking standards for residential uses, hospitals, bars (if not incidental to a restaurant), or convenience stores and other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking facility.

**ARTICLE 9: PARKING, LOADING, AND CIRCULATION**

Section: 9.06 Other Uses within Required Parking Areas

- 2) No 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.
- 3) Off-site parking shall not be permitted on a vacant lot in a residential zoning district.
- 4) 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.
- 5) In the event that an off-site parking area is not under the same ownership as the principal use served, a written off-site parking agreement shall be required.
- 6) An off-site parking agreement shall be submitted and approved as to form by the Sugarcreek Township Attorney or the prosecuting attorney. This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.
- 7) The off-site parking agreement approved by the Sugarcreek Township Attorney shall be filed with the application for a Zoning certificate and shall be recorded as a deed restriction or covenant in a manner as to encumber all properties involved in the off-site parking agreement.
- 8) Final inspection to authorize occupancy shall not be granted until proof of recordation of the agreement is provided to the Zoning Compliance Officer.
- 9) Off-site parking shall be used and maintained solely for parking as long as the use, as recorded and approved, exists. The off-site parking agreement may be terminated when the additional site is no longer necessary, there is a change of use, or the approved conditions are no longer applicable.

**9.06 Other Uses within Required Parking Areas**

No vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any off-street parking area. Outdoor display, sales, or storage of any merchandise within any required parking area shall not be permitted unless otherwise specifically provided for in accordance with Section 7.03 (Outdoor Display, Sales, and Storage).

**9.07 Stacking Space Requirements**

Vehicle stacking spaces for drive through facilities shall be provided according to the following provisions:

**A) Minimum Number of Stacking Spaces**

The number of required stacking spaces shall be as provided for in Table 9-3. See Figure 9.07-1 for illustration of stacking spaces:

<b>Activity</b>	<b>Minimum Stacking Spaces (per lane)</b>	<b>Measured From:</b>
Financial Institution or Automated Teller Machine (ATM)	4	Teller or Window

**ARTICLE 9: PARKING, LOADING, AND CIRCULATION**

Section: 9.07 Stacking Space Requirements

Table 9-3: Stacking Space Requirements		
Activity	Minimum Stacking Spaces (per lane)	Measured From:
Restaurant	8	Pick-Up Window
Full Service Automotive Wash	7	Washing Bay
Self-Service Automotive Wash	2	Washing Bay
Fuel or Gasoline Pump Island	2	Pump Island
Other	As determined by the Zoning Compliance Officer	

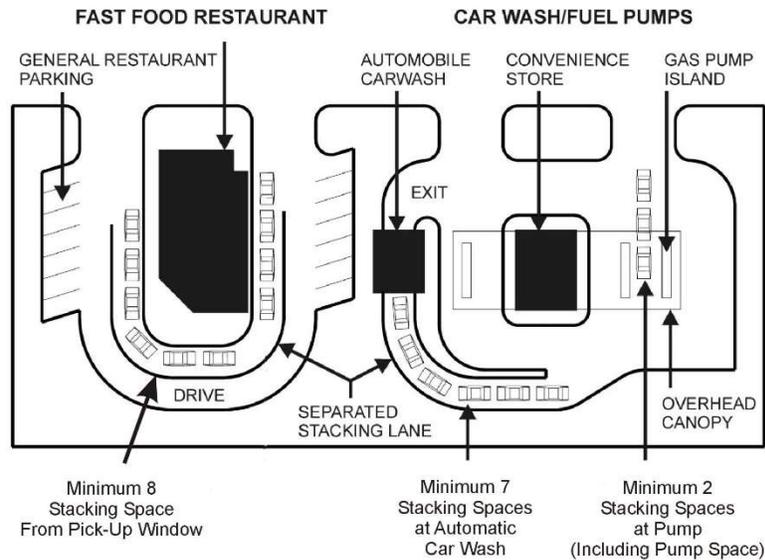


Figure 9.07-1: Stacking Space Location Examples

**B) Design and Layout**

- 1) Washing bays in a car wash shall not count toward the stacking space requirement.
- 2) Pump spaces can count toward the stacking space requirement.
- 3) Stacking spaces shall be a minimum of 10 feet by 20 feet in size.
- 4) Stacking spaces may not impede on- or off-site traffic movements or movements in or out of off-street parking spaces.
- 5) Stacking spaces shall be separated from other internal driveways by surface markings or raised medians.
- 6) These stacking space requirements shall be in addition to the off-street parking space requirements.

**ARTICLE 9: PARKING, LOADING, AND CIRCULATION**

Section: 9.08 Parking and Storage of Recreational Vehicles

**9.08 Parking and Storage of Recreational Vehicles**

- 1) Storage of recreational vehicles shall only be permitted in an enclosed building or in the rear yard.
- 2) Storage outside of an enclosed building shall only be permitted on an improved surface, such as concrete, asphalt or pavers.
- 3) Storage shall be construed to mean any recreational vehicle parked for a 10 day period or longer.
- 4) Recreational vehicles may be temporarily parked on a driveway in any yard for fewer than ten days.

**9.09 Off-Street Loading**

**A) Applicability**

On the same premises with every building, structure, or part thereof, erected and occupied for commerce, industry, public assembly, or other uses involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys in conformance with this section.

**B) Number of Loading Spaces Required**

Table 9-4 establishes the number of loading spaces required.

<b>Table 9-4: Loading Space Requirements</b>	
<b>Gross Floor Area</b>	<b>Required Number of Spaces</b>
Up to 10,000 sq. ft.	0
10,001 to 25,000 sq. ft.	1
25,001 to 50,000 sq. ft.	2
50,001 to 100,000 sq. ft.	3
100,001 to 200,000 sq. ft.	4
Over 200,001 Square Feet	4 plus 1 additional space for every 50,000 square feet over 200,001 square feet

**C) Loading Space Design Standards**

Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below:

**1) Location of Required Loading Spaces**

Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any front or side 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.

**2) Dimensions**

Loading spaces shall have a minimum width of 12 feet, a minimum length of 40 feet and a minimum vertical clearance of 15 feet.

## ARTICLE 9: PARKING, LOADING, AND CIRCULATION

### Section: 9.09 Off-Street Loading

- 
- 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. The Zoning Compliance Officer shall approve access to and from loading spaces.
  - 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**
- a. All operations, materials, and vehicles within any loading space that are visible from a public street or from any residential use shall be screened.
  - b. The screening material shall be at least six feet in height and 100 percent opaque and shall satisfy the buffer requirements of the most restrictive adjacent district.
  - c. Screening areas shall also be subject to applicable requirements and standards in Article 10 (Landscaping and Buffering).
- 5) **Surfacing**
- All loading spaces shall be graded and provided with a durable and dustless hard surface of asphalt, concrete, or other suitable materials.
- 6) **Drainage**
- All loading spaces shall provide for the proper drainage of surface water in accordance with all applicable federal, state, and county runoff control and sediment abatement regulations, to prevent the drainage of such water onto adjacent properties and onto sidewalks. Plans for drainage shall be submitted to the Township for approval prior to the commencement of construction.
- 7) **Lighting**
- The lighting of off-street loading areas shall be regulated by Section 7.02 (Outdoor Lighting) and shall only consist of full cut-off lighting fixtures.

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**ARTICLE 10: LANDSCAPING AND BUFFERING**

**10.01 Purpose**

The purpose of this article is to:

- A) Promote and protect the interest of the public convenience, comfort, prosperity, or general welfare in accordance with Article 1 (General Provisions) of this Resolution by providing for the planting and maintenance of trees, shrubs, and other plants within the Township.
- B) Require buffering between non-compatible land uses and to protect, preserve and promote the character and value of surrounding neighborhoods, to promote the public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare by providing for the installation and maintenance of buffer areas in accordance with the standards and requirements of this article.
- C) Require reasonable landscaping that is economically beneficial in attracting new residents, visitors, and businesses to the community. This article will enhance this via proper location and quantities of planting and landscaping. This article also will promote the preservation and replacement of trees and significant vegetation removed during the development of land.

**10.02 Applicability**

- A) For the purposes of this article, the Zoning Compliance Officer shall be authorized to review and make decisions on landscaping plans as provided for in Section 519.171 of the Ohio Revised Code.
- B) This article shall apply to all new development and/or where there is a 50 percent redevelopment of a site where more than 50 percent of the applicable lot will be disturbed.
- C) For expansion of structures or parking areas, the landscaping, buffering, and screening requirements shall apply to any new or expanded parking or vehicular use areas.
- D) For the expansion of structures that will decrease the setback between the structure and a residential zoning district, the buffering and screening standards of this article shall apply.
- E) Where there is a change in use that is more intense than the pre-existing use, the buffering and screening standards of this article shall apply.
- F) Single-family dwellings and two-family dwellings shall be exempt from the provisions of this article.

**10.03 Landscaping and Buffer Plan**

**A) Landscaping and Buffer Plan Requirement**

- 1) Any property to which this article applies shall illustrate all proposed landscaping and buffer, including the proposed landscaping material, on a site plan or on a separate buffer plan as part of the application for a Zoning certificate.
- 2) All plans shall include a table listing 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.

- 3) Details shall be provided showing the proper planting of trees, shrubs, and ground cover within the landscaping and buffer areas.

**B) Approval of Buffer Plan**

Criteria for the approval of a buffer plan shall be as follows:

- 1) No Zoning certificate shall be issued without approval of a landscaping and buffer plan.
- 2) Failure to implement the buffer plan within 12 months of the issuance of a Zoning certificate shall be deemed a violation of this Resolution.
- 3) The Township may seek professional advice from a landscape architect or licensed nurseryman in the review of the submitted plans. The cost of such consultation may be passed on the applicant.

**10.04 Landscaping Materials and Standards**

**A) Responsibility for Installation of Landscaping Materials**

The buffer area requirements shall be provided by the person in charge of or in control of developing the property, whether as owner, lessee, tenant, occupant or otherwise (hereinafter referred to as "Owner").

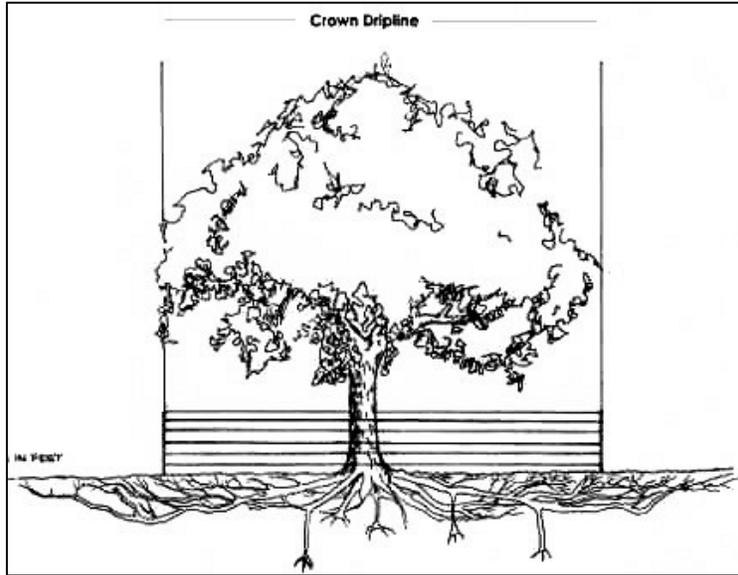
**B) Existing Landscape Material**

- 1) 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.
- 2) The Zoning Compliance Officer shall determine satisfaction of this requirement.

**3) Credit for Preserving Existing Trees**

If an applicant chooses to preserve existing trees on the site, they may reduce the number of new trees that must be planted on the site under the following provisions.

- a. The reduction of new trees shall only apply to the same site where existing trees are being preserved.
- b. The reduction of new trees shall only apply to new trees required as part of the interior landscaping requirements under Section 10.08 (Interior Landscaping Requirements for Parking Areas).
- c. The tree must be alive, healthy, and otherwise not a danger to any structures once built to be used as credit as part of this subsection.
- d. The trees must be capable of tolerating adjacent construction. In order to maintain any tree deemed eligible for credit, 50 percent of the ground area under and within the drip line of the tree shall be preserved from the trunk out to the edge of the drip line and shall be maintained in either vegetative landscape material or pervious surface cover, (See Figure 10.04-1).



*Figure 10.04-1: Illustration of a dripline.*

- e. The required number of new trees may be reduced in accordance with Table 10-1.
- f. If the trees being preserved as part of this section die during construction, the applicant will be responsible for either replacing the tree with a similar tree in type and width or will be required to install those number of trees that were credited for the preserved tree.

<b>Table 10-1: Tree Credits for Preserving Existing Large Trees</b>	
<b>Diameter of Preserved Tree at DBH [1]</b>	<b>Number of New Trees Credited</b>
Up to 7 inches	0
8-12 inches	2
13-19 inches	3
20-25 inches	4
26-29 inches	5
30-35 inches	6
36 inches or greater	7
Note: [1] Rounded off to the nearest foot.	

**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**

Existing vegetation shall be preserved as much as possible in accordance with acceptable nursery industry standards. The following items are suitable for landscaping materials used individually or in combination with each other, subject to review and approval by the Zoning Compliance Officer.

1) **Walls and Fences**

- a. When walls or fences are used to fulfill screening requirements, they shall be detailed on the plan. They are to be constructed of weather-proof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. 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.
- b. Walls and fences shall be designed to orient the finished side away from the subject lot so the finished side faces the adjacent lots.

2) **Plants**

- a. Plant materials used in conformance with these provisions shall conform to ANSI A300 Part 6 and ANSI Z60.1 and shall have passed any inspection required under state regulations. 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.
- b. A plant list has been established for Sugarcreek Township and lists prohibited street trees and recommended plant types for the Township. The plant list is maintained by the Zoning Compliance Officer.
- c. The following are specific standards for landscaping materials.
  - i. **Deciduous Trees**  
Deciduous trees shall have a minimum caliper of at least 2.5 inches DBH conforming to acceptable nursery industry procedures at the time of planting. 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. **Evergreen Trees**  
Evergreen trees shall be a minimum of six feet in height at the time of planting. Evergreen plantings shall be planted at a maximum distance of 20 feet on center to provide an effective buffer.
  - iii. **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 conforming to acceptable nursery industry procedures at the time of planting.
  - iv. **Shrubs and Hedges**  
Shrubs and hedges shall be at least 36 inches in height at the time of planting.

v. **Grass and Ground Cover**

Grass shall be planted in species normally grown in permanent lawns in Greene County, Ohio. In swales or other areas subject to erosion, solid sod shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted at a maximum spacing of one foot on center to provide 75 percent complete coverage after two growing seasons.

- d. Once the minimum landscape requirements have been met, any size plant may be installed on a lot to supplement the minimum requirements.

3) **Species Diversity**

- a. When fewer than 40 trees are required on a site, at least two different species shall be utilized, in roughly equal proportions.
- b. When 40 or more trees are required on a site, at least three different species shall be utilized, in roughly equal proportions.
- c. Required shrubs shall utilize the same species diversity requirements.
- d. Nothing in this subsection shall be construed so as to prevent the utilization of a larger number of different species than specified above.

4) **Earth Mounds**

Earth mounds may be used as buffers, however, differences in natural elevation between areas requiring a buffer does not constitute an earth mound. Earth mounds shall be constructed of earthen materials and shall conform to the following:

- a. Earth mounds shall conform with the grading requirements of the Greene County Soil and Water Conservation District. The maximum slope shall be a maximum of one foot in height for every three feet in length.
- b. Berms and earth forms shall be designed with physical variations in height and alignment throughout its length.
- c. Landscaping plant materials may be installed on berms and earth mounds and shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
- d. Berms and earth mounds shall be located and designed to minimize the disturbance of existing trees located on the site or adjacent thereto.
- e. Adequate ground cover shall be used and maintained to prevent erosion of the earth mound and to achieve a natural appearance.
- f. No mound wastewater treatment system or other similar on-site wastewater treatment system shall count toward the buffering requirement.

5) **Grade Changes**

In cases where grading is necessary that results in a parking lot lower in elevation than the surrounding area or adjacent right-of-way, the resulting embankment shall be planted with low shrubs and shade or ornamental trees. The type and variety of plantings shall be based on the steepness of the slope. A maximum slope of 1:2.5 shall be provided for landscaping between the lot line and the parking lot.

**10.05 Site Landscaping Standards**

- A) 1. The standards of this section shall apply to all development in the Township except for single-family and two-family dwellings.
- B) Site landscaping shall be supplied in the amounts identified in Table 10-2.
- C) Site landscaping shall meet the minimum size standards for new planting specified in Section 10.04 (Landscaping Materials and Standards).

<b>Table 10-2: Site Landscaping Requirements</b>	
<b>Type of Use</b>	<b>Required Plantings per Site [1]</b>
Multi-family dwellings	2 canopy trees + at least 5 shrubs per dwelling unit, per lot
Public and Institutional Uses	5 canopy trees per acre + at least 6 shrubs per each 50 feet of outer building perimeter
Commercial and Office Uses	5 canopy trees per acre, + at least 4 shrubs per each 50 feet of outer building perimeter
Industrial Uses	4 canopy trees per acre, + at least 2 shrubs per each 50 feet of outer building perimeter

NOTES:  
[1] At least one-half of the required shrubs shall be of an evergreen variety.

**D) Placement**

- 1) Required shrubs shall be placed around the building perimeter, a maximum of ten feet from the building, with emphasis placed on building foundations visible from public right-of-way.
- 2) Canopy trees may be planted anywhere on the site. Canopy trees planted as part of any other landscaping requirements in this article shall not count toward the trees required as part of this section on site landscaping.

**10.06 Landscape Buffering Requirements**

**A) Minimum Buffer Yard**

- 1) Table 10-3 shall define the minimum buffer requirements between lots based on adjacent zoning districts.
- 2) Where any activity or land falls under more than one of the categories listed, the most stringent requirements shall be applied.
- 3) Where the minimum setback for the applicable zoning district differs from the required buffer yard, the more restrictive standard shall apply.

<b>Table 10-3: Minimum Buffer Yard Required Between Zoning Districts</b>											
<b>When</b>	<b>Abuts</b>	<b>A-1</b>	<b>A-C</b>	<b>E</b>	<b>R-1A</b>	<b>R-1B</b>	<b>O-1</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>I-1</b>
<b>A-1, A-C, or E</b>		----	----	----	----	----	----	----	----	----	----

**ARTICLE 10: LANDSCAPING AND BUFFERING**

Section: 10.06 Landscape Buffering Requirements

**Table 10-3: Minimum Buffer Yard Required Between Zoning Districts**

When	Abuts									
	A-1	A-C	E	R-1A	R-1B	O-1	B-1	B-2	B-3	I-1
<b>R-1A or R-1 B (Subdivisions)</b>	20	20	10	---	---	---	---	---	---	---
<b>O-1</b>	30	30	30	30	30	---	---	---	---	---
<b>B-1</b>	50	50	50	50	50	20	---	---	---	---
<b>B-2</b>	50	50	50	50	50	30	---	---	---	---
<b>B-3</b>	50	50	50	50	50	30	20	---	---	---
<b>I-1</b>	100	100	100	100	100	50	50	50	50	---
<b>A nonresidential use in an agricultural or residential zoning district</b>	30	30	50	50	50	20	---	---	---	---

**B) Planting Requirements for Required Buffers**

When a nonresidential building is proposed, the buffer yard as required in Table 10-3 shall incorporate landscaping and screening materials under one of the following options:

1) **Option 1 – Fence, Wall, or Berm**

- a. A six-foot high fence or wall or an earth mound/earth berm; and
- b. Three evergreen trees and six shrubs for every 60 lineal feet of lot line requiring a buffer.

2) **Option 2 – Landscape Buffering**

In lieu of fence, wall, or earth mound/berm, an applicant may provide a natural buffer of the following:

- a. Eight evergreen trees, planted in an offset manner to provide a solid buffer for every 80 lineal feet of lot line requiring a buffer; and
- b. Twelve shrubs for 75 lineal feet of lot line requiring a buffer.

**C) Buffer Design Standards**

- 1) Buffers shall not be located on any portion of an existing, dedicated, or reserved public right-of-way or private ingress/egress easement.
- 2) The buffer shall be provided fully on the lot that is under development and required to provide the buffer.
- 3) On sloped areas the buffer shall be located to maximize its effectiveness.
- 4) No construction shall be permitted within a required buffer other than a wall, fence, or berm. A driveway may be located in the buffer area only when necessary to connect a street, which is adjacent to the buffer area, with a parking area or other paved surface on the opposite side of the buffer.

- 5) Subsurface constructions are permitted provided the required buffer is placed above said subsurface constructions and further provided no part of a subsurface construction protrudes above the ground surface.
- 6) When the adjoining parcel has an existing fence, wall, or berm adjacent to a developing parcel boundary, the existing landscape material on the adjacent parcel may not be used toward the requirements for the boundary buffer required for that boundary edge.

## **10.07 Screening Requirements**

### **A) Intent and Applicability**

In addition to the buffer requirements and interior landscaping requirements, screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from both on-site and off-site views. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate 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 cardboard recycling containers);
- 2) Loading and service areas, including any areas where tractor-trailers will be stored;
- 3) Outdoor storage areas (including storage tanks) not subject to the outdoor storage requirements of Section 7.03 (Outdoor Display, Sales, and Storage); and
- 4) Mechanical equipment and utility meters not located on, and screened by, the building or structure.

### **C) General Provisions**

- 1) Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of the properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such condition to the satisfaction of the Township.
- 2) Required screening areas shall be provided by the owner and/or developer as a condition of development. All required screening (including the planting of trees and other vegetation) shall be maintained by the property owner. Failure to maintain the required screening areas to accomplish their intended purpose shall constitute a violation of this Resolution under Article 11 (Enforcement and Penalties).
- 3) Areas to be set aside as screening areas shall be identified on the plans required for Zoning certificate review. It shall be unlawful to occupy any premises unless the required screening has been installed in accordance with the requirements as provided herein.

### **D) Screening Requirements**

- 1) All items to be screened shall be shielded from view from public roads and adjoining property. Such screening shall be a minimum of 75% opaque.
- 2) All items to be screened shall be provided with a visual screen consisting of fences, walls, berms or 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 service area.

- 3) All plant materials used for required screens around service areas shall be of an evergreen variety.
  - 4) 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.
- E) **Fence or Wall Screens**
- 1) Fences or walls shall be compatible with the architectural materials and patterns of the principal structure.
  - 2) Under no circumstances shall a wall be constructed of unfinished concrete or cinder block.
- F) **Berm or Mound Screens**
- 1) Berms or mounds shall be a minimum of three feet in height if other screening materials are used (fences or plant materials). If no other screening materials are used, the berms or mounds shall be a minimum of six feet in height.
  - 2) When berms or mounds are to be used in conjunction with planting materials to screen residential uses, the mound plus any trees shall be of sufficient height to screen the first story of the residential uses.
- G) **Plant Material Screens**
- Plant materials shall be located in a four-foot wide bed. In addition, plants shall be spaced as to be capable of providing a 75 percent visual opacity and shall be six feet in height within four years of initial planting.

**10.08 Interior Landscaping Requirements for Parking Areas**

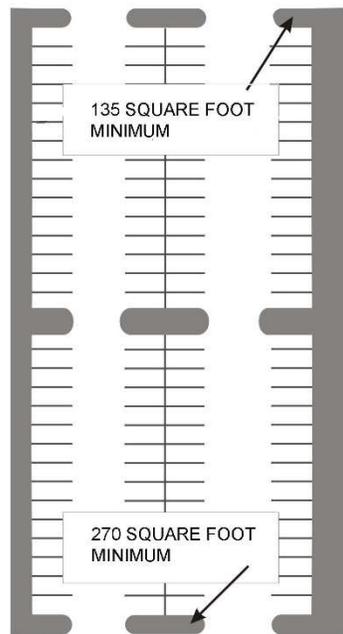
For all parking areas with five or more parking spaces, a total of 10 percent of the paved area (not including driveways without access to parking spaces) shall be landscaped under the following provisions.

- A) The required landscaping shall be located within landscaped islands. Landscaped areas that extend into parking areas from the perimeter landscaping shall not count toward this requirement.



*Figure 10.08-1: Landscaping and screening is intended to soften the appearance of large expanses of parking areas and can also provide areas for stormwater management.*

- B) Landscape islands shall be located at the end of each parking row with a minimum size of 135 square feet for single loaded parking rows, and a minimum size of 270 square feet for double loaded rows (See Figure 10.08-2).
- C) No more than 20 spaces shall be located in a continuous row without being interrupted by a landscaped island. Such landscape islands shall be of the minimum size established in Paragraph (B) above (See Figure 10.08-2).



*Figure 10.08-2: The minimum square footage requirements for islands helps ensure that there is enough area for plant growth.*

- D) The landscaped islands shall be protected by the installation of continuous curbs with a height of six inches.
- E) The landscaped islands should be designed, to the maximum extent feasible, to accommodate stormwater runoff. The use of porous pavement and/or specially designed brick or block is encouraged to increase on-site water detention for plant material and ground water supplies and to reduce problems associated with runoff.
- F) Landscaped islands shall have a minimum width of nine feet as the narrowest dimension.
- G) **Planting Requirements**
  - 1) Plantings shall meet the minimum plant requirements of Section 10.04 (Landscaping Materials and Standards).

## ARTICLE 10: LANDSCAPING AND BUFFERING

Section: 10.09 Maintenance

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- 2) Plantings shall be provided at a rate of two trees and four shrubs per 20 parking spaces or fraction thereof, minus any trees credited to the applicant for the preservation of existing large trees (See Subsection 10.04 (B)(3)).
  - 3) Ornamental grasses may be planted in place of the required shrubs provided the grasses maintain the same coverage of land as the shrubs.
  - 4) The required plantings shall be planted within the landscaped island but there is no minimum planting requirement per island.
  - 5) The trees should be of a variety to provide the shade canopy and have an unobstructed cross visibility between two and six feet.
  - 6) Trees and shrubs required as part of this section shall be planted in the landscaped islands.

### 10.09 Maintenance

- A) All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse and debris at all times.
- B) Unhealthy and dead plants that are required as part of these requirements shall be replaced within one year, or by the next planting season, whichever comes first.
- C) Violation of these maintenance practices shall be a violation of this Zoning Resolution

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**ARTICLE 11: ENFORCEMENT AND PENALTIES**

**11.01 Enforcing Officer**

The Zoning Compliance Officer is hereby designated as 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 Compliance Officer may be assisted by other personnel as the Board of Township Trustees may authorize.

**11.02 Remedies**

If any building or land is used, altered, constructed, enlarged or any such action proposed in violation of the provisions of this Resolution or any amendment or supplement thereto, the Township attorney, the enforcing officer, 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, alterations, enlargement, change maintenance or use.

**11.03 Other Action**

Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

**11.04 Penalties**

Any person, firm or corporation violating any regulation, provision, amendment or supplement to this Resolution, or failing to obey any lawful order of the Zoning Compliance Officer issued pursuant thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00 or the maximum amount allowed by the Ohio Revised Code. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offence.

**11.05 Affected Parties**

The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

**11.06 Other Actions**

Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation including issuing a misdemeanor citation for a continuing Zoning Resolution violation.

ARTICLE 12: DEFINITIONS

12.01 Rules of Construction and Interpretation

A) Intent

All provisions, terms, phrases, and expressions contained in this Resolution shall be construed according to this Resolution’s stated purpose and intent.

B) Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as including, such as, or similar language are intended to provide examples, and not to be exhaustive lists of all possibilities.

C) References to Other Regulations, Publications and Documents

Whenever reference is made to a Resolution, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), Resolution, statute, or document or to the relevant successor document, unless otherwise expressly stated.

D) Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Sugarcreek Township, unless otherwise expressly stated.

E) Common Abbreviations

Table 12-1 identifies the mean of common abbreviations found within this Resolution.

Table 12-1: Common Abbreviations	
Abbreviation	Full Name
BZC	Sugarcreek Township Board of Zoning Commission
BZA	Sugarcreek Township Board of Zoning Appeals
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
DBH	Diameter at Breast Height
OSHA	Occupational Safety & Health Administration
BUSTR	Bureau of Underground Storage Tank Regulations

F) Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the Township to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

G) Technical Words

Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be constructed accordingly.

**H) Mandatory and Discretionary Terms**

The word “shall” is always mandatory, and the words “may” or “should” are always permissive.

**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 shall apply; and
- 2) “Or” indicates that one or more of the connected items, conditions, provisions, or events shall apply.

**J) Tense and Usage**

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

**K) Gender and Persons**

- 1) The masculine shall include the feminine, and vice versa.
- 2) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

**L) Meaning**

For the purpose of this Resolution, words and phrases shall have the meanings set forth in this article.

**12.02 Definitions**

**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.

**Accessory Building, Structure, or Use**

See definitions under “building,” “structure,” or “use.”

**Active Parks and Recreation**

Any park or recreational facility that requires grading of the land, construction of facilities, lighting, or is developed for ball fields, tennis courts, swimming pools, skate parks, disc golf, and other similar outdoor facilities with the exception of bike and hike trails and golf courses.

**Adult Arcade**

Any place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

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**Adult Bookstore, Adult Novelty Store, or Adult Video Store**

A commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

- Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas; and/or
- Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

Adult bookstore, adult novelty store, or adult video store includes a commercial establishment as defined in Section 2907.38 of the Ohio Revised Code. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

**Adult Cabaret**

A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

- Persons who appear in a state of nudity or semi-nudity;
- Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities; or
- Films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

**Adult Entertainment**

The sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

**Adult Entertainment Establishment**

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude or seminude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not an “adult entertainment establishment.

**Adult Family Home**

A residence or facility, as defined and regulated in Chapter 3722 of the Ohio Revised Code, which provides accommodations for three to five unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

**Adult Motion Picture Theater**

A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

**Adult Theater**

A theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.

**Agricultural Production**

Commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth; land devoted to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provide that at least fifty per cent of the feedstock used in the production was derived from parcels of land under common ownership or leasehold. Agricultural production includes conservation practices, provided that the tracts, lots, or parcels of land or portions thereof that are used for conservation practices comprise not more than twenty-five per cent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed under Section 929.02 of the Revised Code.

**Agriculture**

As defined in Section 519.01 of the Ohio Revised Code.

**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.

**Agritourism Provider**

A person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.

**Alley**

Any public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

**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."

**Animal Hospital**

A place 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.

**Antenna or Wireless Telecommunication Antenna**

Any panel, whip, dish, or other apparatus designed for communications through the sending and/or receiving of electromagnetic waves, excluding any support structure other than brackets/platforms.

**Antenna Support Structure**

Any building or other structure, other than a tower, which can be used for location of wireless telecommunications facilities and antenna.

**Applicant**

Unless otherwise specified, an owner or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to Article 3 (Development Review Procedures).

**Application**

The process by which the owner, or their agent, of a parcel of land within the Township submits a request for any type of development review or approval identified in Article 3 (Development Review Procedures) of this Resolution. Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the Township.

**Aquifer**

A glacial formation, group of glacial formations, or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.

**Automotive Body Repair**

A facility that provides collision repair services, including body frame straightening and repair, replacement of damaged parts, and painting.

**Automotive Fuel Sales**

The retail sales of unleaded and diesel gasoline along with other automotive fuels.

**Automotive Sales or Rental**

A building, lot, or both used for the display, sale, or rental of new or used motor vehicles in operable condition, and where repair service may be an incidental accessory use.

**Automotive Service**

A building, structure, or land used for the general repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including, but not limited to, muffler, oil change and lubrication, tire service and sales, installation of accessory, or engine repair.

**Automotive Service and Repair**

A place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises including the sale of minor accessories and the servicing and minor repair of automobiles. The storage of inoperable vehicles is not permitted. In addition to the retail sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles.

**Automotive Washing Facility**

The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

**Awning**

A roof like cover that is temporary or permanent in nature, and that projects from the wall of a building for the purpose of shielding an area of a structure and constructed of a rigid supporting framework with a canvas, vinyl or fabric covering.

**Bar or Tavern**

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.

**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. A basement shall not be counted as a story, except as provided in for in the definition of “story” and “story, half.”

**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.”

**Billboard**

See definition for “Sing, Off-Premises”

**Block**

The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate lines of the municipality.

**Blue Line Stream**

Any stream shown as a solid or broken blue line on 7.5 Minute Series quadrangle maps prepared by the U.S. Department of the Interior Geological Survey (USGS). A blue line stream may be any creek, stream or other flowing water feature, perennial or ephemeral, indicated on USGS quadrangle maps, with the exception of man-made watercourses.

**Board of Township Trustees**

The Sugarcreek Township Board of Township Trustees.

**Board of Zoning Appeals**

The Sugarcreek Township 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 10 (Landscaping and Buffering).

**Building**

Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind; excepting any type mobile home.

**Building Frontage**

See definition of “Frontage, Building.”

**Building Height**

The vertical distance of a building as measured pursuant to Section 4.11 (Site Development Standards).

**Building, Accessory**

A building on the same lot with, and of a nature customarily incident and subordinate to, those of 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 conform to the regulations of the district in which it is located.

**Building, Principal**

The building containing the main or principal uses on the lot.

**Canopy**

A free standing permanent roof-like shelter not attached to or requiring support from an adjacent structure.

**Canopy Tree**

A deciduous tree with an expected height of at least 35 feet at maturity.

**Cemetery**

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.

**Club**

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.

**Co-location**

The use of a wireless telecommunication tower by more than one wireless telecommunications provider.

**Commercial Entertainment Use**

Any commercial activity that is related to the entertainment industry, except adult entertainment facilities, that may include, but is not limited to motion picture theaters, video arcades, and similar activities.

**Commercial Greenhouse**

A glassed or translucent enclosure used for the cultivation and protection of plants that are in turn sold to retail or wholesale customers.

**Commercial Message**

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.

**Commercial Recreation**

Any commercial activity that is related to the recreation field such as bowling alleys, skating rinks, indoor tennis courts, indoor motion picture theaters and similar recreational activities, community swimming pools, miniature golf, driving ranges, skiing facilities, and similar activities (except “Country Clubs). See also the definitions for “Country Club”, “Active Parks and Recreation,” “Noncommercial Recreational Facility,” and “Passive Parks, Recreation, and Open Space.”

**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.

**Common Open Space**

Land areas not occupied by buildings, structures, parking areas, streets, driveways, or alleys. Open space shall not include upper floor decks and/or balconies. In no instance shall any area of a lot constituting the minimum lot area of said lot or any existing right-of-way or public dedication be counted as constituting open space.

**Conference Center or Assembly Hall**

A facility or building available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

**Conservation Practices**

Practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for that purpose.

**Contractor and Building Supplies**

Land or buildings used primarily for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

**Country Club**

A club organized and operated primarily for social and outdoor recreational purposes and related accessory uses. Country club facilities may include, but are not limited to, golf, swimming, riding, outdoor recreation, clubhouses, locker rooms, and pro-shops.

**County Planning Commission**

The Regional Planning and Coordinating Commission (RPCC) of Greene County, Ohio.

**Crops. Raising of**

The use of land for field and orchard uses including production of field crops, flowers and seeds, fruits, grains, melons, ornamental crops, tree nuts, trees and sod, vegetables. Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field not involving a permanent structure.

**Cul-de-Sac**

A dead-end street which will include a turn around space.

**Day Care Center**

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, or other 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”

**Decibel**

A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels".

**Deck**

An accessory use of the principal structure, intended for use during the summer months, that typically includes either a paved patio surface or wood decking materials but does not include a roof and/or walls.

**Density**

The quotient of the total number of dwelling units as divided by total area of the site. Unless otherwise specified in this Resolution, the following are the two types of density calculations.

**Density, Gross**

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.).

**Density, Net**

The total number of dwelling units divided by the gross area of the site minus any land used for streets, easements, rights-of-way, open space set-asides, and/or other public dedications.

**Development**

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, street, and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

**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.

**Direct Recharge Area**

Is that portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.

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**Distinguished or Characterized by Their Emphasis Upon (As related to “adult entertainment establishments.”)**

The dominant or principal character and theme of the object described by this phrase. For instance, when the phrase refers to films “that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas,” the films so described are those whose dominant or principal character and theme are the exhibition or description of specified sexual activities or specified anatomical areas.

**District**

See definition of “Zoning District.”

**Dripline**

A line encircling a tree corresponding to the furthest extension of the branches of a tree.

**Drive-Through Facility**

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 residential purposes, including single-family, two-family, and multi-family 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, 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 homes that conform to the requirements for such uses.

**Dwelling, Multi-Family**

A building or portion thereof designed for or used exclusively for residential purposes by 3 or more families or housekeeping units. Multi-family dwelling shall include apartment buildings, condominiums, elderly housing, and buildings where 3 or more dwellings are attached by common walls or floors within a single structure.

**Dwelling, Single-Family Detached**

A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

**Dwelling, Two-Family**

A building or portion thereof design for or used exclusively for residential purposes by 2 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 Facility**

Buildings or structures used to teach students primarily under the age of 19. Educational facilities may include primary schools, elementary schools, middle schools, or high schools. Educational facilities shall not include, colleges, vocational schools, and other similar uses.

**Educational Facility, Higher**

Buildings or structures used to teach students at a level beyond primary schools, elementary schools, middle schools, and high schools. Higher educational facilities shall include, but not be limited to, colleges, vocational schools, universities, training centers and other similar uses.

**Engineer**

Any engineer licensed by the State of Ohio.

**Entrance Feature or Gate**

A sign that may be part of a ground-mounted monument sign or attached to a fence or gate that identifies the development or use at the primary entrances to the development.

**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.

**Evergreen Shrub**

A shrub that remains green throughout the year.

**Evergreen Tree**

A tree that remains green throughout the year with an expected height of at least 40 feet.

**Excavation**

The process of altering the natural grade/elevation by cutting, filling, or moving the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated.

**Façade**

The exterior wall of a building parallel to the frontage line or the street that fronts the parcel on which the building is located. Facades may be on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

**Family**

A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit.

**Farm**

Land that is composed of tracts, lots, or parcels totaling not less than ten (10) acres devoted to agricultural production or totaling less than ten (10) acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.

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**Farm Implement and Equipment Sales and Service**

A building, lot, or both used for the display and sale of new or used farming equipment or implements in operable condition, and where repair service may be an incidental accessory use.

**Farm Supply Sales**

An establishment that sells agricultural and farming related supplies, excluding farm implements and equipment. This may include, but is not limited to, the sale of animal feed, seeds, fertilizer and other related supplies.

**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.

**Financial Institutions**

Establishments engaged in deposit banking. Financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses.

**Flag**

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

**Flood**

The following terms used in this Resolution are defined as set forth in the regulations governing the National Flood Insurance Program (44 CFR Section 59.1). Wherever there exists a conflict between the following definitions, the federal definitions shall apply.

- Base Flood: The flood having a one percent chance of being equaled or exceed in any given year.
- Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulations or runoff of surface waters from any source.
- Floodplain: The land area susceptible to inundation by water as a result of a flood and for the purposes of this Resolution shall mean the 100-year and 500-year floodplain as determined by the Federal Emergency Management Agency.
- Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- Floodway Fringe: Those portions of the floodplain, other than the floodway, which can be filled or otherwise obstructed without causing substantially higher flood levels or flow velocities.

**Floor Area**

Unless otherwise stated, floor area is the sum of the gross horizontal areas of all the several floors of a building or buildings, including interior balconies and mezzanines. All horizontal measurements are to be made between the exterior faces of walls including the walls of roofed porches having more than one wall.

**Footcandle**

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle.

**Footprint**

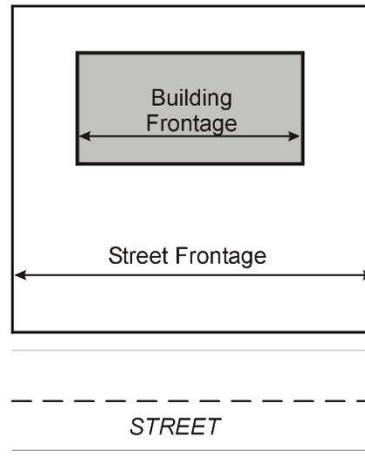
The area of a building measured from the exterior surface of the exterior walls at grade level.

**Frontage, Building**

The length of the facade of an enclosed building facing a public or private street. See Figure 12.02-1.

**Frontage, Street**

The distance for which the front boundary line of the lot and the street line are coincident. See Figure 12.02-1.



*Figure 12.02-1: Illustration of street frontage versus building frontage.*

**Funeral Homes**

A building or part thereof used for human funeral services and which 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 supplies, the storage of funeral vehicles, facilities for cremation, chapels, and other related uses.

**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.

**Golf Course**

A tract of land laid out with at least nine holes for playing a game of golf with improved tees, greens, fairways, and hazards.

**Gooseneck Lighting**

A decorative type of lighting that externally illuminates structures from an external source.

**Grade**

The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined herein.

**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.

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**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.

**Home Occupation**

An occupation or profession for financial gain or profit which is incidental to and carried on entirely within a dwelling unit located on a lot, exclusive of attached garage or patio areas, by resident occupants of the dwelling unit and which occupation is clearly incidental to and accessory to the residential use of the property.

**Hospital**

A facility providing physical or mental health services, inpatient or over-night accommodations, and medical or surgical care of the sick or injured.

**Hotel or Motel**

A building in which lodging, with or without meals, is offered for compensation and in which there are more than five sleeping rooms.

**Housekeeping Unit**

One or more persons occupying a dwelling unit and living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a bed and breakfast establishment, hotel, or motel.

**Impervious Surface**

Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, roofs, parking and driveways, sidewalks, and pavement.

**Institutional Housing**

Housing for the elderly or infirm in which three or more unrelated individuals may live on a short-term or long-term basis and where both food and care are provided for compensation. Institutional housing includes, but is not limited to elderly housing, nursing homes, assisted living facilities, and hospices. Institutional housing shall not include hospitals, medical offices/clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

**Junk**

Scrap or abandoned metal, paper, building materials and equipment, bottles, glass, applicanes, furniture, rags, rubber, inoperable vehicles, and parts thereof.

**Kennels**

Any lot or premises on which four or more dogs, cats or other household animals more than six months of age are bred, Boarded or trained for commercial purposes.

**Landscape Material**

Landscaping consists of: 1) material such as, but not limited to, living trees, shrubs, vines, lawn grass, ground cover, and landscape water features; and 2) nonliving 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.

**Lattice Tower**

See definition of “Wireless Telecommunication Tower.”

**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, 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 7.02 (Outdoor 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 7.02 (Outdoor 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 occupied or intended for occupancy by a use permitted in this Resolution and the open spaces required by this Resolution and having its principal frontage upon a street.

**Lot Area**

The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication.

**Lot Coverage**

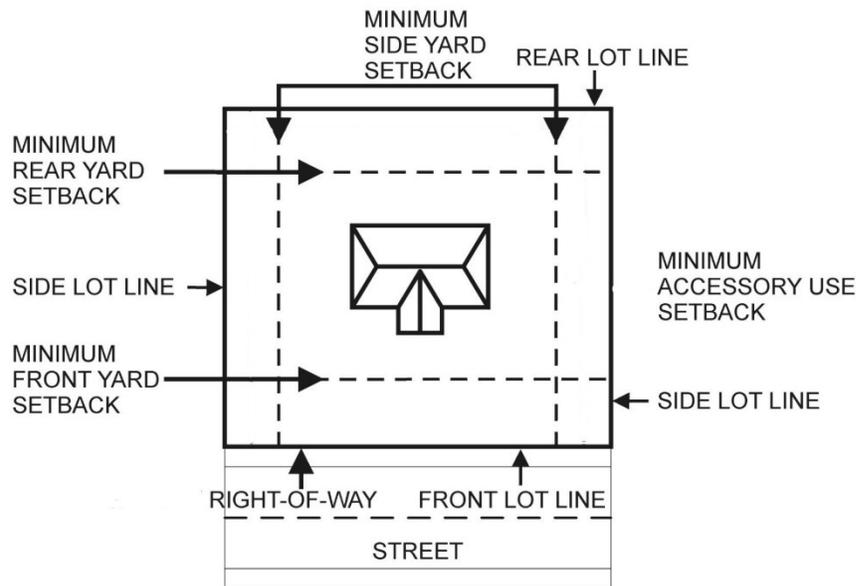
That portion of a lot that is covered by the principal and accessory building, structures, and surfaces that prevent the passage or absorption of stormwater including paving and driveways (impervious surfaces).

**Lot Line, Front**

The front property 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. A corner lot or double frontage lot has more than one front lot line. See Figure 12.02-3.

**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 Figure 12.02-3.



*Figure 12.02-3: Typical setbacks measurements on an interior lot.*

**Lot Lines**

The property lines bounding the lot.

**Lot of Record**

A parcel of land, the dimensions of which are shown on a document or map filed with the Greene County Recorder of Deeds, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**Lot Width**

The horizontal distance between the side lot lines measured at the two points where the building line, or setback line intersects the side lot lines.

**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 Figure 12.02-2.

**Lot, Double Frontage**

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Figure 12.02-2.

**Lot, Nonconforming**

A vacant lot that does not meet the minimum lot width and/or lot area requirements of the applicable zoning district.

**Lot, Panhandle**

A lot not fronting or abutting a public street and where access to the public street is limited to a narrow strip of land. See Figure 12.02-2.

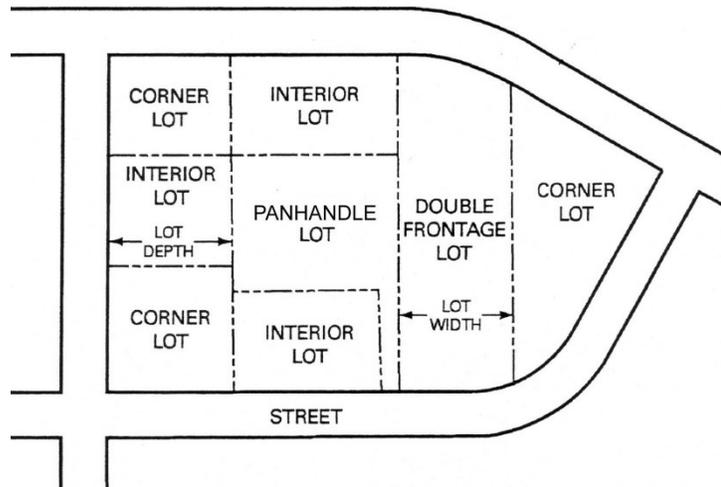


Figure 12.02-2: Illustration of lot configurations and types.

**Lumen**

One lumen equals one footcandle falling on one square foot of area at the source.

**Main Use**

See definition of “Principal Use” under the broader definition of “Use.”

**Maintain**

To permit a sign, structure or any part of each to continue, or to repair or refurbish a sign, structure or any part of either.

**Marquee**

Any permanent structure which projects from a wall of a building over a walkway or entrance way to a shopping center and plaza generally 10 feet or more above a walkway.

**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 Clinic**

A use providing medical, psychiatric, dental, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. The term “clinic” includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

**Mezzanine**

An intermediate floor in any story occupying not-to-exceed two-thirds (2/3) of the floor area of such story.

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**Mixed Uses**

Shall mean a building or development that contains two or more different residential and nonresidential uses.

**Mobile Home**

A manufactured relocatable residential unit containing not less than 280 square feet of floor space, providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation and is built to meet the standards and specifications of the Mobile Home Manufacturers Association. Removal of running gear shall not exempt a mobile home from this definition.

**Mobile Home Park**

Any plot of ground upon which two or more mobile homes occupied for dwelling or sleeping purposes may be located.

**Monopole**

See definition of “Wireless Telecommunication Tower.”

**Mound**

A mound or berm formed as a result of man-made grading and/or excavation.

**Museum**

A public or private nonprofit agency or institution organized on a permanent basis for essentially educational or aesthetic purposes, which, utilizing a professional staff, owns or utilizes tangible objects, restores, conserves and cares for them, and exhibits them to the public on a regular basis.

**Natural Wood**

Wood, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

**Noncommercial Recreational Facility**

Any land or facility operated by a non-profit organization that is open to the general public or members of the non-profit organization without a facility or entrance fee that may include, but is not limited to: picnic areas, bike/hike trails, riding stables, and athletic fields.

**Noncommercial Speech**

Any speech that is protected by the first amendment and that is not classified as “commercial speech.”

**Nonconformity**

A use, structure, or lot that does not meet the requirements of this Resolution. See definitions for “use,” “structure,” or “lot.”

**Non-Routine Maintenance**

Activities necessary not more frequently than every 24 months to keep structures and equipment in good repair.

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**Nude or Seminude Model Studio**

Any place where a person, who regularly appears in a state of nudity or semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. A modeling class or studio is not a nude or seminude model studio and is not subject to this chapter if it is operated in any of the following ways:

- By a college or university supported entirely or partly by taxation;
- By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;
- In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in advance of the class and if not more than one nude or seminude model is on the premises at any one time.

**Nudity, Nude, or State of Nudity**

The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.

- Regularly features or regularly shown means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.

**One Year Capture Area**

The area around protected public water supply well fields delineated by the one-year travel time contour.

**Onsite Physician Led Healing and Wellness Centers**

Onsite physician directed healing and wellness centers provide integrative services including, but not limited to, acupuncture, nutrition and culinary counseling, mindfulness education, osteopathic manipulation, and physician managed exercise programs. These centers manage acute and chronic disease processes with these integrative modalities led by an onsite physician.

**Outdoor Activity Facility**

Outdoor recreational facilities or other activity areas where groups of people may be accommodate and where outdoor lighting may be necessary for the activity (e.g., soccer or baseball fields).

**Outdoor Displays and Sales**

An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service. For the purposes of this Resolution, objects or materials kept outside and weighing over 20 lbs shall be considered outdoor storage.

**Outdoor Storage Area**

The keeping of any goods, materials, merchandise, or vehicles outside of a structure or building for more than 48 hours. Outdoor storage shall not include car lots, tool rental establishments, greenhouses, or other uses where the sale of the merchandise is the primary use of the property pursuant to Section 7.03 (Outdoor Display, Sales, and Storage (Nonresidential)).

**Outdoor Storage Facility**

A building or group of buildings in a controlled access compound that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer’s goods or wares. Such facilities do not include sales, service, or storage of hazardous materials.

**Overlay District**

A zoning district within which, through superimposition of a special designation, certain regulations and requirements apply, in addition to those of the underlying zoning districts to which such designation is added.

**Owner**

A person recorded as such on official records and including duly authorized agent or notary, a purchaser, devisee, judiciary; and person having a vested or contingent interest in the property in question.

**Parapet or Parapet Wall**

That portion of a building wall that rises above the roof level.

**Parcel**

A distinct portion or tract of land as is recorded and distinguished in the Greene County Auditor's Property Tax Atlas.

**Parking Lot**

A 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 areas 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.

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**Permanently Sited Manufactured Home**

A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development. Pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, "88 Stat. 700, 42 U.S.C.A 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards and which meet the following requirements for a permanently sited manufactured home:

- The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- The structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area, excluding garages, porches, or attachments, of at least 900 square feet;
- The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a 6-inch minimum eave overhang, including appropriate guttering;
- The structure was manufactured after January 1, 1995; and
- The structure is not located in a manufactured home park as defined in Section 3733.01 of the Ohio Revised Code.

**Personal Services**

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**

Regional Planning and Coordinating Commission of Greene County, Ohio.

**Planting Areas**

Any area designed for landscape material installation.

**Porch**

A one-story, enclosed or unenclosed entrance to a building, with a separate roof, that is not used for livable space.

**Premises**

An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

**Professional and Business Offices**

Establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, medical, dental, employment, advertising, design, engineering, accounting, and similar uses.

**Protected Public Water Supply**

A public water system, which services at least 15 service connections used by year-round residents or regularly services at least 25 year-round residents, and having a one-year capture area defined through appropriate hydrologic studies.

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**Public and Government Buildings and Use**

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

**Public Utility**

Public utilities shall be as defined in Section 519.21 of the Ohio Revised Code.

**Receiving Property**

As it relates to outdoor lighting, the receiving property is the property that is affected or receiving light or glare from the source property. See also the definition for “Source Property.”

**Regulated Substances**

Chemicals and mixtures of chemicals that are health hazards. Materials packaged for personal or household use or food or drink for man or other animals are not regulated substances. Regulated substances include:

- Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.
- Mixtures of chemicals, which have been tested as a whole and have been determined to be a health hazard.
- Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and which comprises one percent or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen of the concentration of the carcinogen in the mixture is one tenth of one (0.1) percent or greater of the composition on a weight per unit weight basis.
- Ingredients of mixtures prepared within the Well Field Protection Overlay District in cases where such ingredients are health hazards but comprise less than one tenth of one (0.1) percent of the mixture on a weight per unit weight basis if carcinogenic, or less than one percent of the mixture on a weight per unit weight basis if non-carcinogenic.
- Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).

**Religious Place of Worship**

An institution that congregations of people regularly attend to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denomination are held.

**Research and Development Facility**

A building for research, development, and testing laboratories that does not involve the mass manufacture, fabrication, processing, or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration, or similar pollution standard as specified herein.

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**Residential Facility, Small**

A home or facility, as defined and regulated in Section 5123.19 of the ORC, in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the Ohio Revised Code, a county home or district home operated pursuant to Chapter 5155 of the Ohio Revised Code, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.

- Residential Facility, Small shall mean a “residential facility” where there is supervision in a family setting of 6 to 8 persons.
- See also “Adult Family Home.”

**Restaurant**

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.

**Restaurants, Fast-Food**

An establishment whose principal business is the sale of prepared food or rapidly prepared food, in disposable containers and without table service, directly to the consumer in a ready to consume state.

**Retail Commercial Uses**

Establishments primarily engaged in the sale of goods and materials to the general public. Retail commercial uses may include, but are not limited to, bookstores, antique stores, convenience 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.

**Roadside Stand**

The use of any land or a structure for the sale of produce in accordance with the provisions of Section 4.13 (Accessory Uses and Structures).

**Roof Line**

The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**Seminude or State of Semi-nudity**

A state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

**Service Bay**

An area within a building where a vehicle or truck may be driven into the building for repair or other services.

**Service Commercial Uses**

Establishments that primarily engage in rendering services to businesses including, but not limited to, printers, equipment rental, protective services, mailing, photo finishing, and other similar uses.

**Service Facility**

A structure or facility commonly used in association with the principal structure that may include, but is not limited to, mechanical equipment, freezers, dumpsters, and loading areas.

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**Setback**

The minimum distance from any lot line (or blueline stream for the riparian setback) that an improvement may be placed, measured perpendicular from the lot line to the closest point of the improvement.

**Sexual Encounter Establishment**

A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:

- Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.
- Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.

An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to Section 4731.15 of the Ohio Revised Code, is not a “sexual encounter establishment.”

**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 Article 8 (Signage).

**Sign Face**

The area or display surface used for the message.

**Sign Height**

The vertical distance to top of sign structure measured from the adjacent street grade or upper surface of the nearest street curb excluding any elevated roadway. In cases where the site is elevated above an adjacent roadway on natural topography, sign height shall be determined from the lowest ground elevation point where sign is mounted to the top of sign structure. If sign is located on a man-made earthen mound, mounding shall be considered part of sign height. If the earthen mound is mandated by the Township for the purpose of screening or landscaping and meets or exceeds the district height requirement, a sign may be erected on top of such earthen mound with height of sign not-to-exceed two feet. Any visible material whose major function is providing structural support for the sign shall be considered part of the overall sign height.

**Sign Message**

Any graphic, word numeral, symbol, insignia, text, sample, model, device or combination thereof which is primarily intended to advertise, identify, or notify.

**Sign Message Changes**

The ability to modify or change displays, words, lines, logos, or symbols on a sign to provide different information. Changeable copy signs include computer signs, reader Boards with changeable letters, and time and temperature units.

**Sign, Abandoned**

A sign or sign structure which no longer correctly directs any activity conducted or product available on the premises where such sign is displayed.

**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.

**Sign, Awning**

A permanent sign that is mounted or painted on or attached to a seasonal or permanent awning structure.

**Sign, Canopy**

A permanent sign that is mounted or painted on or attached to a canopy structure.

**Sign, Changeable Copy**

Permanent or temporary sign on which copy is changed manually in the field.

**Sign, Directional Ground**

Any sign, which serves solely to designate the location or direction of any place or area.

**Sign, Electronic Information**

A sign whose alphabetic, pictographic, or symbolic information content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments.

**Sign, Exempt**

Signs exempted from normal permit requirements.

**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.

**Sign, Governmental**

A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance, Resolution or other governmental regulation.

**Sign, Ground-Mounted Monument**

Any permanent or temporary sign placed on the ground or attached to a supporting structure (not on poles or pylons) and not attached to any building.

**Sign, Illegal**

Any sign which is contrary to the requirements of this Resolution and which does not satisfy the nonconforming specifications stated in this Resolution.

**Sign, Illuminated**

A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

**Sign, Neon**

A sign formed from neon lamps containing neon gas.

**Sign, Nonconforming**

Any sign lawfully existing on the effective date of a Resolution, which does not conform to all the standards and regulations of the current Resolution.

**Sign, Off-Premises**

Any sign, including billboards, that advertises or otherwise directs attention to an activity not on the same lot where the sign is located.

**Sign, On-Premises**

A sign, which advertises or otherwise directs attention to an activity on the same lot where the sign is located.

**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, Portable/Daisy**

A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels, menu and sandwich Board signs, and signs attached to or painted on a vehicle parked and visible from the public right-of-way, unless such vehicle is used in the day to day operations of a business.

**Sign, Roof**

A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the eave line of a building.

**Sign, Snipe**

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

**Sign, Temporary**

A sign permitted by this sign Resolution to be located on the premises for a limited period of time.

**Sign, Under Marquee**

Any sign attached to the underside of a marquee.

**Sign, Wall**

A sign fastened to the wall of a building or structure (such as a fence or wall) in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than 18 inches from such building or structure.

**Sign, Window**

A sign that is applied or attached to the interior or exterior of a window or located in such manner within a building that it conveys a message to the exterior of the structure through a window.

**Small Wind Energy Conversion System**

An engine or motor having a drive shaft driven by the impulse air to create power for the site where such system is located. For the purposes of this Resolution, a small wind energy conservation system is one that creates under 100 Kilowatts of power.

**Source Property**

As it relates to outdoor lighting, the source property is the property on which the outdoor lighting is located. See also the definition for "Receiving Property."

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**Specified Anatomical Area**

Less than completely and opaquely covered human genitals, pubic region, buttock and female breasts below a point immediately above the top of the areola; and/or human male genitals in a discernibly turgid state even if completely and opaquely covered.

**Specified Anatomical Areas**

Means the cleft of the buttocks, anus, male or female genitals, or the female breast.

**Specified Sexual Activities**

Human genitals in a state of sexual stimulation or arousal: acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and/or fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

**Specified Sexual Activity**

Means any of the following:

- Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation, or sodomy;
- Excretory functions as a part of or in connection with any of the activities described above.

**Stacking Space**

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.

**Story**

Part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six feet above grade, such basement shall be considered a story.

**Story, Half**

An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches (7'6"). For the purpose of this Resolution, the usable floor area is only that area having at least four feet clear height between floor and ceiling.

**Street, Private**

A street or roadway which has not been dedicated for public use, or accepted by the Sugarcreek Township Board of Township Trustees and is not maintained by the Township. Additionally, a private street must meet the specifications for public streets as established by and approved under the Greene County Subdivision Regulations.

**Street, Public**

A publicly dedicated or owned right-of-way constructed to Greene 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.

**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.

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**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 standards for the applicable district.

**Swimming Pool**

A structure constructed or placed below ground or above ground, which is suitable or utilized for swimming or wading.

**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 and shall include: shelter providing for circuses, carnivals, side shows, revival meetings, camp meetings and all similar meetings or exhibitions in temporary structures.

**Township**

Sugarcreek Township, Greene County, Ohio.

**Tractor-Trailer**

A tractor-trailer is a two-part truck. The tractor is the cab where the driver sits and the trailer, hooked to the tractor, hauls the freight. For the purposes of this Resolution, the term tractor-trailer means either one of the parts.

**Travel Time Contour**

A locus of points from which water takes an equal amount of time to reach a given destination such as a well or well field.

**Type-B Family Day Care Home**

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 care homes do not include any child day camp as defined in ORC Section 5104.01.

**Underground Storage Tank**

Any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. Flow-through process tanks and septic tanks approved by the applicable health department or Ohio State Environmental Protection Agency, as applicable, are excluded from the definition of underground storage tanks.

**Use**

A purpose for which land, a building, lot, sign, or other structure is arranged, intended, designed, 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.

**Use, Nonconforming**

A use which lawfully occupied a building or land at the effective date of this Resolution or amendments thereto and that does not conform to the use regulations of the district in which it is located.

**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.

**Variance**

A modification of the literal provisions of the Zoning Resolution that is considered when strict enforcement of the Zoning Resolution would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted pursuant to Section 3.07 (Appeals, Variances, and Conditional Uses).

**Vehicle**

Any contrivance that is used in the public or private transportation of one or more persons, is used in the transportation of goods over public or private property on roadways, or is used in a commercial or agricultural enterprise. A contrivance that is designed to be pushed, pulled or towed by any self-propelled vehicle is considered a vehicle.

**Vehicle, Inoperable**

Any transportation device that is unfit for use for any of the following reasons:

- Not currently licensed for use on the roads in the State of Ohio;
- Not roadworthy or in a state of disrepair;

**Vehicle, Junk**

A vehicle as defined in Section 4513.63 of the Ohio Revised Code.

**Vehicle, Recreational**

Vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven, which may be designed as temporary living accommodations, and is used for recreational, camping, and travel use. Recreational vehicles may include, but are not limited to the following:

- Travel Trailer: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer.
- Motorized Home: A portable dwelling designed and constructed as an integral part of a self-mounted vehicle on wheels and designed for travel and vacation uses.
- Pick-up Camper: A structure designed primarily to be mounted on a pick-up truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- Boats and Boat Trailers: Includes floats and rafts, plus the normal equipment to transport the same on the highway.
- Fold-Out Tent Trailers/Pop-up Campers: A canvas folding structure mounted on wheels and designed for travel and vacation uses.

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**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.

**Veterinary Clinic**

See definition of “Animal Hospital.”

**Warehousing and Storage**

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.

**Well Field**

A tract of land that contains one or a number of wells for supplying water: This definition specifically excludes private wells.

**Wetlands**

An area of land whose soil is saturated with moisture either permanently or seasonally. For the purposes of this Resolution, wetlands shall be those areas designated as such on the National Wetlands Inventory, as established by the U.S. Fish and Wildlife Service;

**Wholesale Distribution Facilities**

A use engaged in the wholesale and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

**Wireless Telecommunication Equipment Shelter**

The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

**Wireless Telecommunication Facility**

A facility consisting of the equipment, tower, antenna, and structure involved in receiving wireless 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. However, the term wireless telecommunication facilities shall not include:

- Any satellite earth station television antenna two meters in diameter or less and personal television antennas.
- Antennas used by amateur radio operators.

**Wireless Telecommunication Tower**

The structure includes but not limited to self-supporting lattice, guyed, or monopole, which elevate the wireless telecommunication antenna and may include accessory transmission and receiving equipment. The term tower shall not include amateur radio operator's equipment as licensed by the FCC.

- Guyed Tower: A freestanding pole structure that is secured to the ground through a series of wires.
- Lattice Tower: A framework or structure of crossed metal strips typically resting on three or more members constructed vertically to which antennas are affixed.
- Monopole: A support structure constructed to a single, self-supporting hollow tube securely anchored to a foundation.