



Zoning & Subdivision Committee
Thursday, January 13, 2011 12:15 pm

Start Time: _____

- Minutes from last meeting of December 9, 2010 attached.

1st: _____ 2nd: _____

1. Zoning & Subdivision Committee Appointments for 2011
2. Review of Various Zoning Text Amendments, Millcreek Township, Union County
– Staff Report by Wes Dodds

- Adjourn End Time: _____

1st: _____ 2nd: _____

Members:

Scott Coleman – Logan County Engineer
Greg DeLong – Marysville Planning
Charles Hall – Union County Commissioner
Jeff Stauch – Union County Engineer
Paul Hammersmith – Dublin Engineer
Fereidoun Shokouhi – Champaign County Engineer
Brad Bodenmiller – Urbana Zoning
Robert A. Yoder – North Lewisburg Administrator
Jenny Snapp – LUC
Wes Dodds – LUC
Heather Martin – LUC

Guests:



STAFF REPORT

FOR CONSIDERATION BY LUC REGIONAL PLANNING COMMISSION EXECUTIVE
COMMITTEE
December 13th, 2010

MILLCREEK TOWNSHIP (UNION CO.) ZONING AMENDMENT – VARIOUS TEXT AMENDMENTS

- APPLICANT:** Millcreek Township Zoning Commission
- REQUEST:** Approval of various amendments to the Millcreek Township Zoning Resolution.
- BACKGROUND:** The Millcreek Township Zoning Commission has been working to update their Zoning Resolution over the last several years, particularly the text regarding planned districts, parking and landscaping. As part of the amendment, the Zoning Resolution has also been reorganized and other minor changes submitted as well. Due to the length of the text submitted, Staff has tried to summarize the changes in the staff analysis below, as well as analyzing the text for a recommendation.

STAFF ANALYSIS:

- **ENACTING CLAUSE** – There have been minor word/order changes to this section.
- **SECTION 1000** – Minor word change.
- **SECTION 2000** – Removal of B-1, B-2, M-1, Planned Unit Development Type A and Planned Unit Development Type B Districts.
- **SECTION 3010** – Minor word change.
- **SECTION 3030** – Minor word change.
- **SECTION 4250** – Several changes
 - (D) – Added new language regarding existing violations
 - (H)(12) – Added specific language regarding a phasing plan
 - (n) – removed



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- **SECTION 4251** – Added additional language clarifying when a conditional use permit may be revoked.
- **SECTION 4260** – Language added clarifying how relief is to be sought.
- **SECTION 4360** – Staff feels that the township should consider adding the following language to this section:
 - *"....shall upon conviction thereof be fined not more than the maximum fine allowable for misdemeanor offenses under Ohio Revised Code Section 2929.28(A) and in addition shall pay all costs and expenses involved in the case....."*
- **SECTION 6110** – Minor word change.
- **SECTION 6120** – Minor word change.
- **SECTION 6130** – Minimum lot size increase from three (3) to five (5) acres.
- **SECTION 6210** – Minor word change.
- **SECTION 6220** – Minor word change.
- **SECTION 6231** – Increases minimum lot size to three (3) acres for lots regardless of sewage treatment.
- **SECTION 6232** – Language removed exempting dwellings approved under conservation subdivision approach.
- **SECTION 6233** - Language removed exempting dwellings approved under conservation subdivision approach.
- **SECTION 6237** – Removed language exempting lots in subdivisions from 3:1 lot ratio.
- **ARTICLE 6400**- Removed B-1 Neighborhood Business District from the Zoning Resolution.
- **SECTION 6510** – Minor change to section number.
- **SECTION 6536** – Section moved. No change to text.
- **SECTION 6537** – Maximum building height increased from 35 to 40 feet.
- **ARTICLE 6600** – Office and Research and Development District removed from Zoning Resolution.
- **ARTICLE 6700** – Limited Manufacturing District removed from Zoning Resolution.
- **SECTION 6863** – Minor word change.
- **SECTION 6869** – Minor word change.
- **SECTION 6870** – Minor word change.
- **SECTION 7010** – Changed name of Districts. *"Planned Residential Conservation District " is now "Planned Residential District" and "Planned Mixed Use District" is now "Planned Town Center District".*
- **SECTION 7100** – Section renamed to *"Ownership and Maintenance of*

9676 E. Foundry St, PO Box 219
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203
• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com



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Open Space”.

- **SECTION 7102** – Section renamed to “*Planned Unit Development District – Ownership Standards for Open Space*”.
 - **(F)(2)** – Minor word change
- **SECTION 7200** – Section renamed to “*Planned Residential District*”
- **SECTION 7201** – This section has been restructured and reworded from the original. However, staff feels that new language is a reflection of what was in the previous zoning resolution.

- **SECTION 7202** – This is a new section that establishes density of no more than 3 units per net developable acre.
- **SECTION 7203 – Planned Residential District Permitted Uses**
 - **ADDITIONS:** *Maintained Passive Open Space, Recreational Open Space, Unmaintained Passive Open Space, Schools*
 - **REMOVALS:** *Accessory Service Buildings, Temporary Structures (moved to Accessory Uses), Public or Private Golf Courses, Two Family Dwellings*
 - **MODIFICATIONS**
 - *Multi-Family Dwellings* – still permitted, but now may not account for more than 10% of the total number of units in the development.
 - *Non-residential uses of a religious, cultural, educational or recreational nature or character* – still permitted but now may not be over five (5) acres of the overall development.
- **SECTION 7204** - This section regarding *Accessory Uses* in the Planned Residential District is new proposed zoning text.
- **SECTION 7205 – Planned Residential District Conditional Uses**
 - **ADDITIONS:** *Telecommunications Towers, Nursing home, Rest Home, or Home for the Aging, Child day care*
 - **REMOVALS:** *Group Homes*
 - **MODIFICATIONS:** *Model Homes and Home Occupations* moved to Accessory Uses.
- **SECTION 7206** – Section on Prohibited Uses is a new addition to the zoning text.
- **SECTION 7207** – Section added regarding Initial Discussions and Concept Stage of Planned Residential District.
 - This section is encouraging a potential developer to engage in “informal” conversations with both the Township Zoning Commission and the Township Trustees before submitting a development plan and zoning amendment request. Staff would

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urge the township to be cautious in this process, as if there is a quorum of any board present during these discussions and a public meeting had not been advertised, the Township could be in violation of Sunshine laws. Staff would prefer to see a more formal meeting process outlined for this situation.

- **SECTION 7208 DESIGN STANDARDS -**
 - Minimum PRD tract size reduced from 40 to 20 acres. The Zoning Commission may reduce this to ten (10) acres if the development is adjacent to another PRD.
 - The design standards are listed much more specifically than the previous language.
 - (BB) – Will the Township only consider requests for divergences for items that are marked “or as approved per plan”?
- **SECTION 7209** – New section added regarding the procedure for applying for a PRD.
- **SECTION 7210** – New section added specifying criteria the Township Zoning Commission and Board of Trustees must find to approve a PRD.
- **SECTION 7211** – New section added stating that adopted PRD regulations shall take precedence over previously adopted regulations.
- **SECTION 7212 – PRELIMINARY DEVELOPMENT PLAN**
 - (10) – Replace the words “competent engineer” with “registered professional engineer”.
 - (11) – Section “11.08” that is referenced should read “7208”.
 - (17) – Staff questions what specific information is required to be submitted as part of the “Economic Impact Statement”.
- **SECTION 7213 – FINAL DEVELOPMENT PLAN**
 - (5) - Replace the words “competent engineer” with “registered professional engineer”.
 - (13) - Staff questions what specific information is required to be submitted as part of the “Economic Impact Statement”.
- **SECTION 7214** – New Section added establishing terms of Final Development Plan Approval.
 - Typo – “...*shall be constructed until a new final development plan has been filed with and approved by the Township...*”.
- **SECTION 7300** – Section renamed from “Planned Commercial and Office District” to “Planned Commercial District (PCD)”
- **SECTION 7302** – The permitted uses listed for the PCD are consistent with the previous zoning resolution.
- **SECTION 7303** – The conditional uses listed for the PCD are

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consistent with the previous zoning resolution.

- **SECTION 7304** – New section added specifying prohibited uses in the PCD.
- **SECTION 7305** - Section added regarding Initial Discussions and Concept Stage of Planned Commercial District.
 - This section is encouraging a potential developer to engage in “informal” conversations with both the Township Zoning Commission and the Township Trustees before submitting a development plan and zoning amendment request. Staff would urge the township to be cautious in this process, as if there is a quorum of any board present during these discussions and a public meeting had not been advertised, the Township could be in violation of Sunshine laws. Staff would prefer to see a more formal meeting process outlined for this situation.
- **SECTION 7306 – PCD DEVELOPMENT STANDARDS**
 - Establishes minimum development size of 10 acres.
- **SECTION 7309** – Title of this section should be changed to “*Effect of PCD Zoning*”.
- **SECTION 7310 – PCD PRELIMINARY DEVELOPMENT PLAN**
 - This section appears to be asking for the same information that is requested in Section 7212 for PRD’s. However, the wording and order of this Section is different. Staff feels that if it is the intent of the Township to ask for the same information, this Section should be consistent with Section 7212.
 - Letter (P) is a duplicate of letter (B), and should be removed.
- **SECTION 7311 – PCD FINAL DEVELOPMENT PLAN**
 - It appears that much of this Section is asking for the same information as Section 7213, with some additions. However, the language is inconsistent. Staff feels that common information being requested as part of the Final Development Plan for both PRD’s and PCD’s should have consistent language.
 - This section requests only 7 copies of the plan. An applicant is required to submit 15 copies for the PRD’s. Staff questions why the difference in numbers?
 - Section 7311 states that the Zoning Commission is the review authority for PCD Final Development Plan. No such statement is made for PRD’s. Staff questions why the review process for PCD’s is different.
 - (2) – Requirement to show environmentally sensitive areas. Staff doesn’t have a problem with this requirement, but

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- questions why it was not included in the Final Development Plan requirements for PRD's.
- (7) – Staff questions why this stipulation regarding lighting is listed separately, rather than being included as part the exterior lighting plan as required in number 18 of this section?
 - (9) - Replace the words “competent engineer” with “registered professional engineer”.
 - (13) – Staff recommends removal, as this is a duplicate of number 11 of this section. Requirements should be renumbered accordingly.
 - (19) - Staff questions what specific information is required to be submitted as part of the “Economic Impact Statement”.
 - (21) – Staff has no issues with the township requiring a bond for PCD's, but questions why it is not a requirement of PRD's as well.
 - (22) – Typo, the word “final” needs to be inserted before the words “development plan”.
 - (C) – Staff questions how the trustees will have the authority to require supplemental conditions or safeguards when this section only provides for the Zoning Commission to review Final Development Plans for PCD's.
- **SECTION 7312 FINAL DEVELOPMENT PLAN APPROVAL**
 - (A) – should be corrected as follows: *“Approval Period- The approval of a final development plan shall be effective for a period of three (3) years, or for such other period as approved per plan, in order to allow for the filing and recording of a final subdivision plat, if platting is required by applicable law, and the commencement of construction of improvements on the site. No zoning amendment passed during the established approval period shall affect the terms under which approval of the final development was granted. If the required final subdivision has not been approved and recorded, and construction commenced within the established approval period, then the final development plan shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new final development has been filed with and approved by the Township, and such application for approval, shall be subject to the same procedures and conditions as an original application.* ~~fer~~

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~~preliminary and final development plan approval.~~ *This new application shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PCD ~~District.~~"*

- (3) – Why is this language not included in the approval text for PRD's? Staff feels the text should be as consistent as possible from section to the other.
- (F) – The township should make sure this section is worded the same as in previous uses in the document.
- **SECTION 7402 – PLANNED INDUSTRIAL DISTRICT PERMITTED USES**
 - Permitted uses from the M-1 district to be removed from the zoning resolution now appear as permitted uses in the PID text. Billboards and Outdoor Advertising are the only uses not reflected from the M-1 district.
- **SECTION 7403 – PLANNED INDUSTRIAL DISTRICT PERMITTED USES**
 - Conditional uses from the M-1 district to be removed from the zoning resolution now appear as conditional uses in the PID text. Accessory uses is the only item not reflected from the conditional uses in the previous M-1 District.
- **SECTION 7405 - INITIAL DISCUSSIONS**
 - This section is encouraging a potential developer to engage in "informal" conversations with both the Township Zoning Commission and the Township Trustees before submitting a development plan and zoning amendment request. Staff would urge the township to be cautious in this process, if there is a quorum of any board present during these discussions and a public meeting had not been advertised, the Township could be in violation of Sunshine laws. Staff would prefer to see a more formal meeting process outlined for this situation.
- **SECTION 7406 REQUIRED PID STANDARDS**
 - (M) – Staff recommends this portion be removed, as it is a duplication of letter (D)
- **SECTION 7407 REQUIRED FINDINGS FOR PID APPROVAL**
 - Consistent with language used in previous sections.
- **SECTION 7408 PROCESS FOR AMENDMENT**
 - *"Following the filing of an application for a PID, the Zoning*

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Commission may schedule a walkabout on the site with the applicant to familiarize all parties with the lay of the land, and the general design intent of the applicant. If a majority of the Zoning Commission is present, the meeting must be advertised in accordance with Ohio law, and minutes kept. – This language is not located in previous sections of this document. Staff feel that it is important to include this clause previous sections of this proposed amendment whenever a “walkabout” or “informal conversations/discussions” are encouraged or required.

- **SECTION 7410 PRELIMINARY DEVELOPMENT PLAN (PID)**
 - This language is identical to Section 7310. Please see comments regarding Section 7310 above.
- **SECTION 7411 PRELIMINARY DEVELOPMENT PLAN (PID)**
 - This language is identical to Section 7311. Please see comments regarding Section 7311 above.
- **SECTION 7412 PRELIMINARY DEVELOPMENT PLAN (PID)**
 - This language is identical to Section 7312. Please see comments regarding Section 7312 above.
- **SECTION 7500 – Renamed from “*Planned Mixed Use Development District*” to Planned Town Center District**
- **SECTIONS 7501 THROUGH 7511**
 - The text in these Sections mirrors Sections 7401-7411. Please see comments for those sections above. Again, staff feels the Township should ensure this language is consistent from section to section.
- **ARTICLE 8000 – PLANNED UNIT DEVELOPMENT TYPE B**
 - The zoning amendment proposes to remove this article from the Millcreek Township Zoning Resolution. Staff has no problem with this, as the other planned districts cover the permitted uses from this district.
- **SECTION 9002 – RESIDENTIAL DESIGN STANDARDS APPLICABILITY**
 - Word changes to match the new district names (PRD's and PTCD's).
- **SECTION 9510 – COMMERCIAL DESIGN STANDARDS APPLICABILITY**
 - Word changes to match the new district names (PCD's, PID's and PTCD's).
- **SECTION 10023 – HOME OCCUPATIONS AS PERMITTED USE**

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- This section is added to provide stipulations for permitted home occupations.
- (I) – Staff feels this section should be re-written as follows:
“Traffic generated by the home occupation shall in no case be in a greater volume than would normally be expected in a residential neighborhood.”
- **SECTION 10024 – HOME OCCUPATIONS AS A CONDITIONAL USE**
 - This section is added to provide stipulations for home occupations permitted as a conditional use.
 - (K) – This section states that the county must have done a “recent” inspection on the property and structure. Staff feels the township should replace “recent” with a more specific time period.
- **SECTION 10040 – SIDE AND REAR YARD REQUIREMENTS FOR NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS.**
 - Minor word change.
- **ARTICLE 11000 SIGNS AND ADVERTISING**
 - Formatting/order changes only throughout this article.
- **SECTION 12010 GENERAL REQUIREMENTS FOR OFF STREET PARKING – RESIDENTIAL USE**
 - Section name changed from “General Requirements”.
 - The following text has been added: *“Off-street parking shall be required on any lot with a dwelling unit. Off-street parking in this section is meant to include driveways and other areas used or designated as parking spaces”.*
 - The following text has been added to the end of the section: *“A valid driveway permit issued by the Union County Engineer is required for the installation of any driveway or off-street parking and/or loading area.*
 - Text at the end of the section regarding construction materials and standards has been removed and inserted in new section 12011.
- **SECTIONS 12011 THROUGH 12014**
 - Provide construction standards for parking areas in different types of settings.
- **SECTION 12020 PARKING AND STORAGE OF INOPERABLE VEHICLES**
 - Section re-named from “Parking and Storage of Certain Vehicles”.

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- This section has been changed to explicitly prohibit inoperable vehicles from being parked or stored in any area of the Township.
- Staff has concerns that the criteria listed for disabled vehicles is not consistent with language in the Ohio Revised Code. The Township should ensure this regulation is compatible with the ORC.
- **SECTIONS 12030 THROUGH 12033**
 - These sections are an expansion of section 12030 from the previous regulations. These sections more explicitly explain the rules for the parking and storage of commercial vehicles.
- **SECTIONS 12210 THROUGH 12250**
 - These sections are regulations regarding size and construction of parking areas and driveways.
- **SECTIONS 12261 THROUGH 12310**
 - These sections state requirements for calculating parking spaces when there are multiple uses on a property, as well as requirements for loading areas and when they are required to be used.
- **SECTIONS 13001 THROUGH 13006**
 - These sections are regarding landscaping in Millcreek Township. These sections expand upon the text to be replaced.
 - 13001 Purpose – Staff recommends replacing the word “promise” with “promote”.
 - 13003(A)(i) – Staff recommends inserting the word “the” between “adjoining” and “street”.
- **ARTICLES 14, 15, 16**
 - No major changes
- **DEFINITIONS**
 - Staff has no issues with changes.

STAFF RECOMMENDATIONS:

- Staff recommends **APPROVAL** of the proposed zoning text amendments to the Millcreek Township Zoning Resolution based on the staff analysis and comments. Staff feels that the intent of the proposed text is fine, the Township needs to ensure that the language is consistent from section to section.

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ZONING & SUBDIVISION COMMITTEE RECOMMENDATIONS:

~~TOWNSHIP OF~~ MILLCREEK TOWNSHIP

~~UNION COUNTY, OHIO~~

ZONING RESOLUTION

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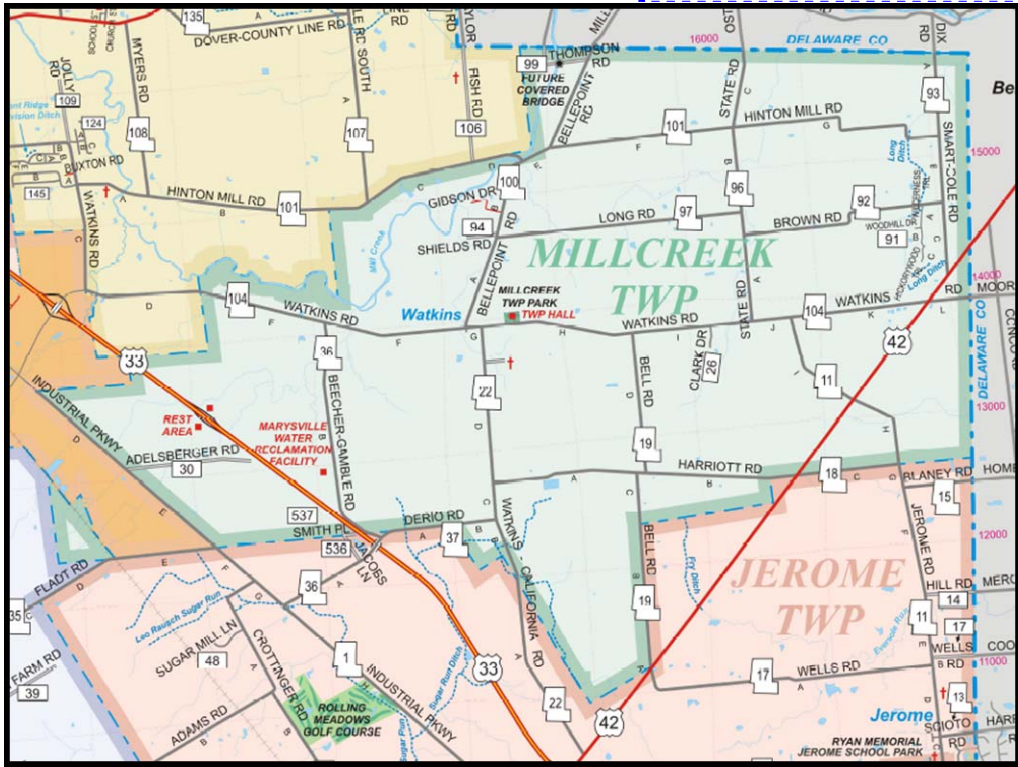
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UNION COUNTY, OHIO



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Prepared By:

Millcreek Township Zoning Commission

With the Assistance of:

Burns, Bertsch & Harris, Inc.

Logan Union-Champaign Regional Planning Commission

& Burns, Bertsch & Harris, Inc.

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ACKNOWLEDGEMENTS

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Millcreek Township Board of Trustees:

Keith Conroy
Bill Jordan
William Lynch

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Millcreek Township Fiscal Officer:

Joyce Beaver

Millcreek Township Zoning Commission:

Kenny Coakley, Alternate
Jim Lawrenz
Joni Orders, Chair
Freeman Trover, Vice Chair
Robert Whitmore
Greg Wisniewski

Millcreek Township Board of Zoning Appeals:

Steve Cameron, Vice Chair
Brian Clark, Alternate
Jason Comstock, Chairman
Jeff Pieper
Charles Still
Jim Teitt

Millcreek Township Zoning Administrator:

Joe Clase

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Consultant:

Jill Tangeman, Esq.

MILLCREEK TOWNSHIP ZONING RESOLUTION
UNION COUNTY, OHIO

WHEREAS, the Board of Trustees of Millcreek Township, ~~Delaware~~Union County, Ohio has deemed it necessary to promote the public health, safety, morals and general welfare of the residents of said Township; and,

WHEREAS, zoning resolutions for the building and land use within the unincorporated territory of the Township were adopted in accordance with Section 519 and related sections of the Ohio Revised Code; and,

WHEREAS, five (5) persons have been duly appointed by the ~~Millcreek~~ of Trustees of ~~Genoa~~Millcreek Township to serve as a Zoning Commission for said Township; and,

WHEREAS, the Millcreek Township Zoning Commission initiated revisions of the Millcreek Township Zoning Resolution on _____ and has held a public hearing regarding such amendments; and,

WHEREAS, the Logan-Union-Champaign Regional Planning Commission has reviewed revisions of the Millcreek Township Zoning Resolution and made recommendation on _____ under authority and in accordance with the provisions of Section 519.12 of the Ohio Revised Code; and,

WHEREAS, the Millcreek Township Zoning Commission has recommended revisions of the Millcreek Township Zoning Resolution on _____ and has submitted such amendments to the Board of Trustees of Millcreek Township under authority and in accordance with the provisions of Section 519.12 of the Ohio Revised Code.

THEREFORE, the Board of Trustees of Millcreek Township adopt the following Zoning Resolution on _____ under the authority and in accordance with the provisions of the Ohio Revised Code with said amendments becoming effective _____ ; and

FURTHERMORE, This Zoning Resolution of the Millcreek Township, Union County, Ohio, is enacted in accordance with a comprehensive land and use growth plan and the provisions of Chapter 519, of The Ohio Revised Code, and for the purpose of protecting the public health, safety, comfort, convenience and general welfare. It provides for the division of the Township into zones and districts to encourage, regulate and restrict the location, construction, reconstruction, alteration and use of structures and land to promote the orderly development of the residential, business, industrial, recreational and public areas. It endeavors to provide for adequate light, air and convenience of access to property by regulating the use of land, buildings and the bulk of structures in relationship to surrounding properties, limit congestion in the public right-of-ways, provide for the compatibility of different land uses and the most appropriate use of land, provide for the administration of this Resolution and define the powers and duties of the Zoning Administrator, and prescribe penalties for the violation of the provisions in this Resolution or any amendment thereto, and for the repeal; and

~~“This Zoning Resolution of the Township of Millcreek, Union County, Ohio, is enacted in accordance with a comprehensive land and use growth plan and the provisions of Chapter 519, of The Ohio Revised Code, and for the purpose of protecting the public health, safety, comfort, convenience and general welfare. It provides for the division of the Township into zones and districts to encourage, regulate and restrict the location, construction, reconstruction, alteration and use of structures and land to promote the orderly development of the residential, business, industrial, recreational and public areas. It endeavors to provide for adequate light, air and convenience of access to property by regulating the use of land, buildings and the bulk of structures in relationship to surrounding properties, limit congestion in the public right of ways, provide for the compatibility of different land uses and the most appropriate use of land, provide for the administration of this Resolution and defining the powers and duties of the administering officers as provided hereinafter, and prescribe penalties for the violation of the provisions in this Resolution or any amendment thereto, and for the repeal. Therefore be it hereby resolved by the Board of Trustees of Millcreek Township, Union County, Ohio.”~~

FURTHERMORE, all resolutions or parts of resolutions in conflict with this zoning resolution or inconsistent with provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect.

PASSED: _____ BY: The Board of Trustees of Millcreek Township

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EFFECTIVE:

Bill Lynch, Chairperson

ATTEST:

Joyce Beaver, Fiscal Officer

Keith Conroy

ATTEST:

Joe Clase, Zoning Administrator

Bill Jordan

CERTIFICATION

TO THE MILLCREEK TOWNSHIP TRUSTEES,
UNION COUNTY, OHIO

THE MILLCREEK TOWNSHIP ZONING COMMISSION, FOR SEVERAL MONTHS, STUDIED NEEDED MODIFICATIONS AND AMENDMENTS TO THE ZONING LAWS OF MILLCREEK TOWNSHIP. THESE CHANGES ARE BROUGHT ABOUT IN PART BY CHANGES IN TOWNSHIP CONDITIONS.

THE ZONING COMMISSION HEREBY CERTIFIES AN AMENDED PLAN FOR THE DISTRICTING AND ZONING OF LANDS AND STRUCTURES IN THE INTEREST OF PUBLIC HEALTH, SAFETY, CONVENIENCE, COMFORT, PROSPERITY AND GENERAL WELFARE. THE RESOLUTION IS BASED UPON THE 2005 COMPREHENSIVE LAND USE AND GROWTH PLAN, THE 2009 AMENDMENT TO THE LAND USE GROWTH PLAN, PLANNING STUDIES AND OTHER COMMISSION INVESTIGATIONS.

DATE:

SUBMITTED BY: THE MILLCREEK TOWNSHIP ZONING COMMISSION,

BY: _____ CHAIR
_____ JUNI ORDERS

BY: _____ SECRETARY

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TABLE OF CONTENTS

CERTIFICATION

ENACTING CLAUSE

ARTICLE I

INTERPRETATION & APPLICATION OF THE RESOLUTION

ARTICLE II

ESTABLISHMENT OF DISTRICTS

ARTICLE III

PROVISION FOR OFFICIAL ZONING MAP

ARTICLE IV

ADMINISTRATION AND ENFORCEMENT

ARTICLE V

NON-CONFORMING USES

ARTICLE VI

STANDARD DISTRICT REGULATIONS

Section 6100

U-1 Farm Residential District

Section 6200

R-1 Low Density Residential District

Section 6300

BLANK

Section 6400

B-1 Neighborhood Business District

Section 6500

B-2 General Business District

Section 6600

B-3 Office and Research and Development District

Section 6700

M-1 Limited Manufacturing District

Section 6750

M-2 Manufacturing District

Section 6800

EQ Excavation and Quarry District

Section 6900

MH Manufactured & Mobile Homes / Mobile Home Parks

ARTICLE VII

PLANNED UNIT DEVELOPMENT DISTRICTS REGULATIONS

Section 7000

Planned Development Districts - General (Type A)

Section 7100

PUD - Ownership & Maintenance of Open Space

Section 7200

PRCD Planned Residential Conservation District

Section 7300

PCD Planned Commercial and Office District

Section 7400

PID Planned Industrial District

Section 7500

PMTCD - Planned Mixed Use Town Center District

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TABLE OF CONTENTS (CONTINUED)

ARTICLE XV **NOISE**

 Section 15000 Noise

 Section 15500 Lighting

ARTICLE XVI **ADULT ENTERTAINMENT FACILITIES**

ARTICLE XVII – XIV ~~LEFT BLANK FOR FUTURE ADDITIONS~~RESERVED **13489**

ARTICLE XX **DEFINITIONS**

APPENDICES

APPENDIX A **APPROVED TREE LIST**

APPENDIX B **SIGNS**

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MILLCREEK TOWNSHIP ZONING RESOLUTION ENACTING CLAUSE

~~“This Zoning Resolution of the Township of Millcreek, Union County, Ohio, is enacted in accordance with a comprehensive land and use growth plan and the provisions of Chapter 519, of The Ohio Revised Code, and for the purpose of protecting the public health, safety, comfort, convenience and general welfare. It provides for the division of the Township into zones and districts to encourage, regulate and restrict the location, construction, reconstruction, alteration and use of structures and land to promote the orderly development of the residential, business, industrial, recreational and public areas. It endeavors to provide for adequate light, air and convenience of access to property by regulating the use of land, buildings and the bulk of structures in relationship to surrounding properties, limit congestion in the public right-of-ways, provide for the compatibility of different land uses and the most appropriate use of land, provide for the administration of this Resolution and defining the powers and duties of the administrating officers as provided hereinafter, and prescribe penalties for the violation of the provisions in this Resolution or any amendment thereto, and for the repeal.~~

~~Therefore be it hereby resolved by the Board of Trustees of Millcreek Township, Union County, Ohio.”~~

~~ADPOTED: _____
_____ Date _____ Chair, Board of Township Trustees~~

~~EFFECTIVE: _____
_____ Date _____ Member of the Trustees~~

~~ATTEST: _____
_____ Clerk of Township Trustees _____ Member of the Trustees~~

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ARTICLE I – INTERPRETATION & APPLICATION OF THE RESOLUTION

Section 1000 – Title:

This Resolution shall be known and may be cited and referred to as the “[Millcreek Township Zoning Resolution of the Township of Millcreek](#)”.

Section 1010 – Effective Date of Resolution:

This Resolution shall become effective from and after the date of its approval and adoption as provided by law.

Section 1020 – Repeal of Conflicting Resolutions & Effective Date:

All Resolutions or parts of Resolutions in conflict with this Zoning Resolution or inconsistent with the provisions of this Resolution which have been previously adopted by the Board of Township Trustees are hereby repealed to the extent necessary to give this Resolution full force and effect.

Section 1030 – Provisions of Resolution Declared To Be Minimum Requirements:

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, and / or the general welfare. Whenever the requirements of this Resolution are inconsistent with any other lawfully adopted rules, regulations, or ordinances, the most restrictive requirements, or those imposing the higher standards, shall govern.

Section 1040 – Separability Clause:

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

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Section 1100 – Agriculture:

Except as otherwise provided herein, nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes; this includes the construction and/or use of buildings or structures incident to the agricultural purposes on which such buildings or structures are located. No Zoning Permit or Certificate shall be required for any such use, building or structure.

Notwithstanding the foregoing, in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen or more lots approved under section 711.13.1 of the ORC that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, agricultural uses and structures are subject to the terms and conditions of this Resolution in the following manner:

- 1-(A) Agricultural activities are prohibited on lots of one (1) acre or less.
- 2-(B) Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but less than five acres are subject to all setback lines, height, and size regulations set forth in this Resolution.
- 3-(C) Dairying or animal and poultry husbandry on subdivision lots greater than one acre but less than five acres when at least thirty-five percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under section 4503.06 of the Ohio Revised Code are subject to the provisions of this Zoning Resolution. After thirty-five percent of the lots are so developed, lawfully existing dairying and / or animal and poultry husbandry shall be considered a nonconforming use of land, and buildings or structures pursuant to section 519.19 of the Ohio Revised Code are thereafter prohibited.

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ARTICLE II – ESTABLISHMENT OF DISTRICTS

Section 2000 – Zoning Districts:

For the purpose of this Resolution, the following districts are hereby created in order that the unincorporated area of Millcreek Township, Union County, Ohio, may be divided into one or more such districts:

U-1 - Farm Residential District	(Section 6100)
R-1 - Low Density Residential District	(Section 6200)
B-1 - Neighborhood Business District	(Section 6400)
B-2 - General Business District	(Section 6500)
B-3 - Office and Research and Development District	(Section 6600)
M-1 - Limited Manufacturing District	(Section 6700)
M-2 - Manufacturing District	(Section 6750)
EQ - Excavation and Quarry District	(Section 6800)
MH - Manufactured Home Parks	(Section 6900)
Planned Unit Development Districts – General (Type A)	(Section 7000 – 7100)
PRCD - Planned Residential-Conservation District	(Section 7200)
PCOD - Planned Commercial and Office District	(Section 7300)
PID - Planned Industrial District	(Section 7400)
PMUD-PTCD - Planned Mixed Use Town Center District	(Section 7500)
Planned Unit Development Districts – General (Type B)	(Section 8000)

Section 2010 – District Regulations:

All District Regulations are found in subsequent Articles.

Section 2020 – Prohibited Uses:

Any use not specifically authorized by the express terms of this Zoning Resolution shall be prohibited unless approval is received from the Board of Zoning Appeals. The Board of Zoning Appeals must determine that the use is similar to a listed permitted or Conditional Use in that District.

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ARTICLE III – PROVISION FOR OFFICIAL ZONING MAP

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Section 3000 – Official Zoning Map:

The Districts established in Article II of this Resolution are shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Resolution. Not all Districts established in Article II have yet been utilized and therefore may not be reflected on the Map. The Map shall be publicly displayed in the Township Hall with updated copies filed with the Regional Planning Commission, County Recorder, and County Engineer.

Section 3010 – Identification of the Official Zoning Map:

The Official Zoning Map shall be identified by the signature of the Chair of the Board of Township Trustees, attested by the Township ~~Clerk~~Fiscal Officer, under the following words: "This is to certify that this is the Official Zoning Map referred to in Article III of the ~~Zoning Resolution of the Township of Millcreek~~Millcreek Township Zoning Resolution, Union County, Ohio", together with the adoption ~~date of the adoption~~ of this Resolution.

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Section 3020 – Recording Changes in the Official Zoning Map:

If, in accordance with the provisions of this Resolution and Chapter 519, of the Ohio Revised Code (O.R.C.), changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map. Changes will be made promptly after the Amendment has been approved by the Board of Township Trustees with an entry on the Official Zoning Map indicating the Resolution number, if any, and the date of adoption.

Section 3030 – Replacement of the Official Zoning Map:

In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Township Trustees may, by Resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof.

The new Official Zoning Map shall be identified by the signature of the Chair of the Board of Trustees and attested by the Township ~~Clerk~~Fiscal Officer, under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ (date) as part of Resolution (Number) _____ of the Township of Millcreek, Union County, Ohio."

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Section 3040 – Preserving Records:

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map and/or significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

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Section 3050 – Interpretation of District Boundaries:

Where uncertainty exists with respect to the boundaries of any Zoning District, as shown on the Zoning Map, the following rules shall apply.

- 1-(A) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- 2-(B) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- 3-(C) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Map. If no distances are given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- 4-(D) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- 5-(E) Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Township unless otherwise indicated.
- 6-(F) The Zoning Administrator is charged with interpreting the Map.

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ARTICLE IV – ADMINISTRATION AND ENFORCEMENT

Section 4000 – Office of Zoning Administrator Created:

Pursuant to Chapter 519 of the O.R.C., a Zoning Administrator designated by the Board of Township Trustees shall administer and enforce this Resolution. He/she may be provided with assistance of such other persons as the Board of Township Trustees may direct.

If the Zoning Administrator shall find that any of the provisions of this Resolution are being violated, he/she shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings, structures, additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Resolution to ensure compliance with or to prevent violation of its provisions.

Section 4100 – Zoning Permits Required:

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore issued by the Zoning Administrator.

No zoning permit shall be issued by the Zoning Administrator except in conformity with the provisions of this Resolution unless he receives a written order from the Board of Zoning Appeals in the form of an administrative review, conditional use, or variance as provided by this Resolution.

No zoning permit shall be issued by the Zoning Administrator with respect to property in a planned district unless an application for subsequent use or development of that property shall have been approved by the Zoning Commission, and that approval shall continue to be effective.

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Section 4110 – Application for Zoning Permit:

The application for a zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information:

- 1-(A) Name, address, and phone number of applicant;
- 2-(B) Legal description of property;
- 3-(C) Description of existing use of land and buildings;
- 4-(D) Description of proposed use and buildings, if applicable;
- 5-(E) Zoning district (Current);
- 6-(F) Site plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration including building heights, dimensions, and square footage;
- 7-(G) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically (If deemed applicable by the Zoning Administrator)
- 8-(H) Number and location of off-street parking spaces, refuse areas, and loading berths, if applicable
- 9-(I) Number of dwelling units;
- 10-(J) Preliminary lighting and landscaping plan including location and intensity of proposed lighting (excludes single family dwellings);
- 11-(K) Description of the provisions and location for water, sanitary sewer, and surface drainage with engineering feasibility studies or other evidence of reasonableness (Does not apply to single family residential dwellings);
- 12-(L) Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

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Section 4120 – Changes to Plans during Construction:

Any changes to the structural plans or placement of said structure on the building lot during construction shall require that construction be halted and a new site plan be drawn. The Zoning Administrator should be immediately notified so as to make an onsite inspection of any proposed change. The Zoning Administrator shall visit the site at a minimum of once during the first month of construction and every two months thereafter until completion of construction activity.

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Section 4130 – Issuance of Zoning Permits:

No permit for erection, alteration, or moving of any building shall be issued until an application has been made for a Zoning Permit. Only after the Application for Zoning Permit form and all required documentation has been received and reviewed by the Zoning Administrator and he/she has had an opportunity to visit the site and ask any questions of the Applicant will a Zoning Permit be issued. No work may be started prior to issuance of a Zoning Permit.

No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged or structurally altered without a zoning permit being issued by the Township Zoning Administrator. No zoning permit shall be issued to make a change in use unless the changes have been made in conformity with the provisions of this Zoning Resolution or unless a variance or conditional use permit has been granted by the Board of Zoning Appeals.

Section 4140 – Failure to Obtain a Zoning Permit:

Failure to obtain a zoning permit shall be a violation of this Resolution and punishable under Section 4360.

Section 4150 – Expiration and/or Extension of Zoning Permit:

If the work described in any zoning permit has not begun within 180 days from the date of issuance thereof, said permit shall expire. The Zoning Administrator shall cancel the expired permit and issue a written notice thereof to the persons affected.

If the work described in any building permit has not been completed within one year of the date of issuance thereof, said permit shall expire and be canceled by the Zoning Administrator. The Zoning Administrator will issue written notice thereof shall to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new Zoning Permit has been obtained or an extension granted.

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Extensions, if granted, shall be in six month increments, not to exceed one and one-half (1 ½) years.

Section 4160 – Construction and Use As Provided in Applications, Plans, & Zoning Permits:

Zoning permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Resolution and punishable as provided by Section 4360.

Section 4170 – Issuance of Zoning Permit for Projects Requiring Site Plan Review:

The Zoning Administrator shall not issue a Zoning Permit in the following instances:

- a)(A) For any application for a mobile home park, unless the site plan for such mobile home park has been approved by the Zoning Commission and ultimately the Board of Township Trustees.
- b)(B) For any application for property in a Planned Development District unless an application for subsequent use or development of that property has been approved pursuant to the Planned Development Districts of this Resolution and that approval continues to be effective.

Section 4180 – Zoning Certificate Required:

Upon completion of specified work and not later than the expiration of the Zoning Permit and any applicable extensions thereof, the property owner will make a written request to the Zoning Administrator for a final inspection.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a final inspection by the Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this Resolution.

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Section 4200 – Board of Zoning Appeals Established:

A Board of Zoning Appeals is hereby established, which shall consist of five members appointed by the Board of Township Trustees, each for a term of five years. Upon creation of the Board of Zoning Appeals, the initial appointments shall be one each for one, two, three, four and five year terms. Each member of the board shall be a resident of Millcreek Township.

Section 4201 – Organization of the Board of Zoning Appeals:

At the beginning of each calendar year, the Board of Zoning Appeals will hold an organizational business meeting. The purpose of such meeting will be for Members to elect a Chair and Vice Chair and set any scheduled meetings.

Section 4210 – Alternates to the Board of Zoning Appeals:

The Board of Township Trustees may appoint two alternate members to the Board of Zoning Appeals, for terms to be determined by the Board of Township Trustees.

An Alternate Member shall take the place of an absent Regular Member at any meeting of the Board of Zoning Appeals, according to procedures prescribed by Resolution by the Board of Township Trustees. When attending a meeting on behalf of an absent Regular Member, the Alternate Member may vote on any matter which the absent Member is authorized to vote.

An Alternate Member shall meet the same appointment criteria as a Regular Member.

Section 4220 – Removal or Resignation of Members of the Board of Zoning Appeals:

A Member of the Board of Zoning Appeals shall be removed for nonperformance of duty, misconduct in office, or other cause by the Board of Township Trustees. Upon filing of written charges to or by the Board of Township Trustees, they shall commence an investigation of the situation and hold a public hearing on the matter. The Member shall be given an opportunity to be heard and answer such charges. The Board of Township Trustees must notify the Member in writing of the charges at least ten (10) days prior the hearing either personally, by registered mail, or by leaving such copy at the Member's usual place of residence.

Any resignation of a Member must be in writing to the Board of Township Trustees.

Vacancies shall be filled by Resolution of the Board of Township Trustees, for the unexpired term of the Member.

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Section 4230 – Powers and Duties of the Board of Zoning Appeals:

The Board of Zoning Appeals shall have the following specific responsibilities:

- 1)(A) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Administrator.
- 2)(B) To authorize such variances from the terms of this Resolution as will not be contrary to the public interest, where owing to the special conditions a literal enforcement of this Resolution will result in practical difficulties, and so that the spirit of this Resolution shall be observed and substantial justice done.
- 3)(C) To grant Conditional Use Permits under the conditions specified in this Resolution and to add such additional safeguards as will hold the intent of this Resolution.

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In exercising its responsibilities, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of this Resolution; reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.

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The concurring vote of three members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Resolution or to effect any variation in the application of this Resolution.

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Section 4240 – Proceedings of the Board of Zoning Appeals:

The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Resolution. Meetings shall be held at the call of the Chair and at such other times as the Board of Zoning Appeals may determine.

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The Chair, or in his/her absence, the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

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The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be filed by the Zoning Administrator as appropriate.

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Section 4250 – Procedure and Requirements for Approval of Conditional Use Permits:

4-(A) Permitted Conditional Uses. The conditional uses shall conform to all requirements of this Resolution before being permitted in their respective districts. All conditional uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. The Board of Zoning Appeals has the authority to deny, grant or grant with conditions a Conditional Use Permit.

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2-(B) Standards Applicable to all Conditional Uses. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing and future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district, and the location, nature or height of buildings, walls, fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. In addition, operations in connection with any conditional use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, or flashing light, than would be the operation of any permitted use.

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3-(C) Review and Modification. A Conditional Use Permit shall be deemed authorized for only one particular conditional use and shall expire if the conditional use shall cease for more than one year for any reason. A Conditional Use Permit must be reviewed for compliance 90 days after issued and within three years of issue date by the Zoning Administrator. The Zoning Administrator can review a conditional use at any time. The Board of Zoning Appeals must set a review timeframe of no more than three years, from date of issue for a Conditional Use Permit. As part of this review process the Board of Zoning Appeals may modify a current Conditional Use Permit to account for changes in the activity granted under the Conditional Use Permit. This modification may occur during the review period or at the request of the property owner holding the Conditional Use Permit.

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4-(D) Existing Violations. No Conditional Use Permit shall be issued for a conditional use for a property where there is an existing violation of this Resolution or the Ohio Revised Code for a period of time beginning ten (10) days prior to the public hearing for proposed conditional use. Such activities in conformance with the proposed conditional use shall not be governed by this standard. This exemption shall not prohibit the Zoning Administrator from enforcing the Zoning Resolution.

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5-(E) Plan Required. One (1) original and seven (7) copies of the plan for the proposed development of a site for a permitted conditional use shall be submitted with an application for a Conditional Use Permit, and such plan shall contain the following information:

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- a)(1) The location of all buildings (existing and proposed);
- b)(2) Parking, loading, and storage areas;
- c)(3) Traffic access points and circulation routes;
- d)(4) Parking areas including the location and number of spaces proposed;
- e)(5) Landscaped areas and other open spaces;
- f)(6) Lighting (location, type and wattage)
- g)(7) Refuse and service areas;
- h)(8) Location of existing utilities and proposed utility expansion areas;
- i)(9) Location of signs (does not exempt application from sign permit requirements);
- j)(10) Other such information as the BZA may determine needed to determine if the proposed conditional use meets the requirements of the Resolution.

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One copy of the plan shall be returned to the applicant by the Zoning Administrator, after the Board of Zoning Appeals shall have marked such copy either as approved or disapproved and attested to same by action of public hearing. The original and one copy of the plans, similarly marked, shall be retained by the Zoning Administrator. Any changes to the structural plans or placement of said structure(s) on the building lot during the life of the Conditional Use Permit shall require a review by the BZA and a potential modification to the Conditional Use Permit to account for the change in plan. The Zoning Administrator should be immediately notified so as to make an onsite inspection of any proposed change.

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6-(F) Additional Required Information: The applicant is also required to provide the following additional information:

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- a-(1) A narrative statement discussing the existing and proposed number of employees or residents, hours of

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operation, and type of sales on premises.

b-(2) A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, odor, and fumes on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Millcreek Township Comprehensive Land Use and Growth Plan.

7. Board of Zoning Appeals Written Findings:

(G) Before any conditional use shall be issued, the Board of Zoning Appeals shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provisions and arrangements have been made concerning the following, where applicable:

- a-(1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- b-(2) Off-street parking and loading areas where required, with particular attention to the items above.
- e-(3) The economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.
- d-(4) Refuse and service areas, with particular reference to the items in (1) and (b) above.
- e-(5) Utilities, with reference to locations, availability, and compatibility.
- f-(6) Screening and buffering with reference to type, dimensions, and character.
- g-(7) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
- h-(8) Required yards and other open space.
- i-(9) Proposed hours of operation
- j-(10) General compatibility with adjacent properties and other property in the district.
- k-(11) Additional information as requested by the Board of Zoning Appeals to make an accurate determination on the application

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8. Conditions Imposed:

(H) This Resolution confirms to the Board of Zoning Appeals the powers to set forth conditions as part of an approved Conditional Use Permit. These conditions are meant to uniquely address how a conditioned use co-exists with adjoining and surrounding properties to ensure continued harmony. The Board of Zoning Appeals may set conditions addressing including but not limited to:

- a-(1) Current and future size of Conditional Use Permit operation
- b-(2) Number of employees
- e-(3) Number of buildings, along with size and setbacks
- d-(4) Noise, as measured in decibels
- e-(5) Require the site plan to be attached to the Conditional Use Permit, as a condition, for the purpose of evaluating issues that may arise in the future
- f-(6) Number of vehicles or equipment related to the conditional activity
- g-(7) Hours of operation, including days of the week
- h-(8) Type of drive (i.e. stone, paved, etc...)
- i-(9) Type and height of screening (i.e. trees, mounding, etc...)
- j-(10) Storage of materials used in the Conditional Use Permit activity
- k-(11) Drainage
- l-(12) ~~A review period~~ A phasing plan including deadlines for compliance, if necessary, (need to specify trigger / what happens /
- m-(13) And other conditions to address the unique aspects of the conditioned use to ensure compatibility with surrounding properties
- n. Duration of CUP / CUP expiration date

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9-(l) Supplementary Conditions and Safeguards. In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Section 4360 hereof.

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Section 4251 - Revocation of Conditional Use Permit

10.

The BZA may revoke a Conditional Use Permit, in accordance with ORC 519, for the reasons including but limited to:

- a) (A) repeated violations of CUP Conditional Use Permit
- b) repeated violations Ohio Revised Code,
- e) (B) change in the nature of the activity beyond the extent of the Conditional Use Permit
- (C) Nature nature or size of activity becomes intrusive to neighbors or community
- d) (D) the approved use is discontinued for a period of more than one year

Section 4260 – Procedure for Board of Zoning Appeals Hearings & Notices

The Board of Zoning Appeals shall hold a public hearing within a reasonable period of time after the receipt of a complete application for a Conditional Use Permit.

4-(A) **Conditions Considered.** The following conditions shall be considered in the public hearing and employed in the review of an application for a Conditional Use Permit:

- a-(1) Whether the proposed use is in accordance with the general objectives and specified objectives of the Zoning Resolution.
- b-(2) Whether the proposed use will be designed, constructed, operated and maintained so as to be compatible and appropriate in appearance with existing or intended character of the neighborhood and zoning district.
- e-(3) Whether the proposed use will create an undue burden on public facilities and services and whether it will be detrimental to the economic welfare of the community.
- d-(4) Whether the proposed use will be hazardous or disturbing to existing or future permitted uses or entails a use, structure or condition of operation that constitutes a nuisance.

2-(B) **Notice.** Notice shall be given by first class mail at least 10 days in advance of the public hearing to the owner (applicant) and to all owners of property contiguous to and directly across the street (road) from the property concerned. Said notice shall also be published once in a newspaper of general circulation in the area at least 10 days prior to the hearing. The mailed and published notices shall set forth the time and place of the hearing and the nature or purpose of the hearing.

3-(C) **Attendance at Public Hearing:** Any party may appear in person or by agent or attorney at a public hearing. Failure to appear in person or by agent or attorney, attorney, may result in denial of conditional use, and forfeiture of any fees paid. Board of Zoning Appeals members may not act as agent or attorney for the applicant.

4-(D) **Finding:** The Board of Zoning Appeals shall make a finding within thirty (30) days after the public hearing. The Board of Zoning Appeals shall approve, approve with supplementary conditions as specified by the Board, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Administrator to issue a conditional use permit listing the specific conditions specified by the board for approval. The applicant and Zoning Administrator must sign and date a copy of the permit acknowledging these conditions.

(E) **Transferability:** If the property is sold, the new owner has sixty (60) days to come before the BZA to review and sign the Conditional Use Permit thereby acknowledging the conditions imposed on the property. Failure of the new owner to appear before the BZA and sign the Conditional Use Permit in that time frame voids the CUP and a new conditional use permit will be required.

5-(F) **Relief:** If the use for which the Conditional Use Permit is approved is discontinued for a period of more than one year, the Conditional Use Permit will expire. If the application is disapproved by the Board the applicant may seek relief through the Court of Common Pleas.

Section 4270 – Appeals:

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the governing body of the Township affected by any decision of the Zoning

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Administrator.

▲ Such appeal shall be taken within a reasonable time, not to exceed 20 days or such lesser period as may be provided by the rules of the Board of Zoning Appeals, by filing with the Zoning Administrator and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof.

▲ The Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed from was taken.

▲ The Board of Zoning Appeals shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. Parties of interest shall include but not be limited to property owners contiguous to and directly across the street from the property concerned and the applicant. At the hearing, any party may appear in person or by agent or attorney.

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Section 4271 - Stay of Proceedings:

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken on due cause shown.

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Section 4280 – Variances:

The Board of Zoning Appeals may authorize upon appeal in specific case such variance from the terms of this Resolution as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in practical difficulties. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Resolution would result in practical difficulties.

Section 4281 – Factors Considered Regarding Variances:

The following factors shall be considered by the Board when determining whether to grant a variance:

- a-(A) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
- b-(B) Whether the variance is substantial.
- c-(C) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
- d-(D) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage)
- e-(E) Whether the applicant purchased the property with knowledge of the zoning restriction
- f-(F) Whether the applicant’s predicament feasibly can be obviated through some method other than a variance.
- g-(G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

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Section 4300 – Procedure for Obtaining a Variance – Application Required:

Seven copies of the application shall be submitted to the Zoning Administrator and at a minimum contain the following information:

- a-(A) Legal description of the property;
- b-(B) Name, address, and phone number of applicant;
- c-(C) Description of the nature of the variance requested;
- d-(D) A narrative statement demonstrating that the requested variance conforms to the following standards: that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structure or buildings in the same district; that a literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Resolution; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by this Resolution, to the lands, structures, or buildings in the same district.

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Section 4310 - Public Hearing to Consider Request for a Variance:

The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for a variance.

Notice shall be given by first class mail at least 10 days in advance of the public hearing to the owner / applicant and to all owners of property contiguous to and directly across the road from the property concerned. Said notice shall also be published once in a newspaper of general circulation in the area at least 10 days prior to the hearing. The mailed and published notices shall set forth the time and place of the hearing and the nature or purpose of the hearing.

When the public hearing shall be held, any party may appear in person or by agent or attorney. Failure to appear in person or by agent or attorney may result in denial of variance, and forfeiture of any fees paid. Board of Zoning Appeals Members may not act as an agent or attorney for the applicant.

The Board of Zoning Appeals shall make a finding within thirty (30) days after the public hearing. When announcing a finding, the reasons set forth in the application should justify the granting of the variance, and the variance should be the minimum variance that will make possible the reasonable use of the land, building, or structure.

Section 4320 – Supplementary Conditions and Safeguards May be Prescribed:

In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Resolution and punishable under this Resolution. Under no circumstances shall the Board of Zoning Appeals grant a variance to allow a use not permissible under the terms of this Resolution in the district involved, or any use expressly or by implication prohibited by the terms of this Resolution in said district.

Section 4330 – Duties of the Zoning Administrator, Board of Zoning Appeals, Governing Body, and Courts on Matters of Appeal:

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator. Such questions shall be presented to the Board of Zoning Appeals only on appeal of the decision of the Zoning Administrator. Recourse from the decisions of the Board of Zoning Appeals shall be the courts, as provided by law.

It is further the intent of this Resolution that the duties of the Board of Township Trustees, in connection with this Resolution, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Board of Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in this Resolution.

Section 4340 – Schedule of Fees, Charges, and Expenses:

The Board of Township Trustees shall by Resolution establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this Resolution requiring investigation, inspection, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Township Trustees, and may be altered or amended only by the Township Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

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Section 4350 – Complaints Regarding Violations:

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He/She shall record properly such complaint, immediately investigate, and take action thereon as provided by this Resolution.

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Section 4360 – Penalties for Violation:

Violation of the provisions of this Resolution or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$2500.00) per offense and in addition shall pay all costs and expenses involved in the case. Each day such a violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, construction contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Trustees from taking such other lawful action as is necessary to prevent or remedy any violations.

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Section 4400 – Township Zoning Commission Created:

The Zoning Commission shall be composed of five members who are residents of the Township. The Board of Township Trustees shall appoint the members of the Zoning Commission. The terms of the regular members shall be of such length and so arranged that the term of one member will expire each year. Each regular or alternate member shall serve until the member's successor is appointed and qualified.

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Section 4401 – Organization of the Township Zoning Commission:

At the beginning of each calendar year, the Zoning Commission will hold an organizational business meeting. The purpose of such meeting will be for Members to elect a Chair and Vice Chair and set any scheduled meetings.

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Section 4410 – Alternates to the Zoning Commission:

The Board of Township Trustees may appoint two alternate members to the Zoning Commission, for terms to be determined by the Board of Township Trustees.

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An Alternate Member shall take the place of an absent Regular Member at any meeting of the Zoning Commission, according to procedures prescribed by Resolution by the Board of Township Trustees. When attending a meeting on behalf of an absent Regular Member, the Alternate Member may vote on any matter which the absent Member is authorized to vote.

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An Alternate Member shall meet the same appointment criteria as a Regular Member.

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Section 4420 – Removal or Resignation of Members of the Zoning Commission:

A Member of the Zoning Commission shall be removed for nonperformance of duty, misconduct in office, or other cause by the Board of Township Trustees. Upon filing of written charges to or by the Board of Township Trustees, they shall commence an investigation of the situation and hold a public hearing on the matter. The Member shall be given an opportunity to be heard and answer such charges. The Board of Township Trustees must notify the Member in writing of the charges at least ten (10) days prior the hearing either personally, by registered mail, or by leaving such copy at the Member's usual place of residence.

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Any resignation of a Member must be in writing to the Board of Township Trustees.

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Vacancies shall be filled by Resolution of the Board of Township Trustees, for the unexpired term of the Member.

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Section 4430 – Powers and Duties of the Zoning Commission:

The Zoning Commission shall submit a plan, including both text and maps, representing the recommendations of the Zoning Commission for the carrying out by the Board of Trustees this Zoning Resolution when requested to do so by the Township Trustees. The Zoning Commission may initiate zoning amendments, take action on proposed zoning amendments, review site development plans and, within the limits of the monies appropriated by the Board of Trustees for the purpose, employ or contract with such planning consultants, agencies, and executive and other assistants, as it deems necessary. The Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations. Members of the Zoning Commission may be allowed their expenses, or such compensation, or both, as the Board of Trustees may approve and provide. No Township Trustee shall be employed by the Zoning Commission. The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies and such officials, departments, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of the Zoning Commission.

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Section 4450 – Meetings and Agenda of Zoning Commission:

The Zoning Commission shall meet as necessary in a public building within the Township. All meetings of the Zoning Commission shall be open to the public. The meeting agenda shall be set by the Zoning Commission Chair or Vice Chair, if so asked by the Chair.

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Section 4460 – Minutes:

The minutes of each meeting of the Zoning Commission shall be kept by the Zoning Administrator on file in the Township Hall with the other zoning records. Said minutes shall be open for public inspection by appointment. Upon request, copies of minutes may be provided to Township residents once they have been formally approved by the Zoning Commission.

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Section 4470 – Procedure for Amendment or District Changes:

This Resolution may be amended utilizing the procedures specified in Sections 4390-4470, inclusive, of this Resolution.

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Section 4480 – General:

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by Resolution, after receipt of recommendation thereon from the Zoning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

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Section 4490 – Initiation of Zoning Amendments:

Amendments to this Resolution, including the map, may be initiated in one of the following ways:

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

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Section 4500 – Contents of Application:

Applications for amendments to the Official Zoning map adopted as part of this Resolution shall contain at least the following information:

- 1-(A) Name, address, and phone number of applicant;
- 2-(B) Present use;
- 3-(C) Present zoning district;
- 4-(D) Proposed use;
- 5-(E) Proposed zoning district;
- 6-(F) A description of the proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness
- 7-(G) Site plan showing property lines, existing and proposed future buildings including the building footprint. Setbacks should be clearly marked.
- 8-(H) A vicinity map at a scale approved by the Zoning Administrator showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Administrator may require;
- 9-(I) A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the road (street) from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned; Preliminary development plan if seeking a rezoning to a planned district consistent with the requirements of Article VI.

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Section 4501 – Involvement of the Regional Planning Commission:

Within five days after the adoption of such motion, the certification of such Resolution, or the filing of such application for amendment, the Zoning Commission shall transmit a copy of the proposed amendment together with text and map pertaining to the proposed amendment to the Regional Planning Commission. The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.

Section 4510 – Establishment of Date for Public Hearing by Zoning Commission:

Upon the adoption of a motion by the Zoning Commission, the certification of a Resolution by the Board of Township Trustees, or the filing of an application as outlined in Sections 4310-4470, the Zoning Commission shall set a date for a public hearing, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the certification of such Resolution, the date of adoption of such motion, or the date of the filing of such application. Notice of such hearing shall be given by the Zoning Commission by one publication in one or more newspapers of general circulation in the township at least ten days before the date of such hearing.

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Section 4520 – Notice to Contiguous Property Owners:

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the county auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.

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Section 4530 – Publication of Notice of Public Hearing for Proposed Amendment or Redistricting of Ten (10) or Fewer Parcels:

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing, and shall include all of the following:

- 1-(A) The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment;
- 2-(B) A statement indicating that the motion, Resolution, or application is an amendment to the zoning Resolution;
- 3-(C) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list;
- 4-(D) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;

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- 5-(E) The time and place where the motion, Resolution, or application proposing to amend the zoning Resolution will be available for examination for a period of at least ten days prior to the public hearing;
- 6-(F) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- 7-(G) Any other information requested by the Zoning Commission;
- 8-(H) A statement that, after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action.

Section 4540 – Publication of Notice of Public Hearing for Proposed Amendment or Redistricting of More than Ten (10) Parcels:

If the proposed amendment alters the text of the zoning Resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing, and shall include all of the following:

- 1-(A) The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment;
- 2-(B) A statement indicating that the motion, application, or Resolution is an amendment to the zoning Resolution;
- 3-(C) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the public hearing;
- 4-(D) The name of the person responsible for giving notice of the public hearing by publication;
- 5-(E) A statement that, after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action;
- 6-(F) Any other information requested by the Zoning Commission.

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Section 4550 – Submission to Director of Transportation / County Engineer:

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Commission may proceed as required by law, however, the Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Trustees that he shall proceed to acquire the land needed, then the Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Trustees that acquisition at this time is not in the public interest or upon the expiration of the one-hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Trustees shall proceed as required by law.

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Section 4560 – Zoning Commission Acceptance, Rejection or Modification of Amendment Request:

The Zoning Commission shall, within thirty (30) days after such public hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification of it and submit such recommendation together with such application or Resolution, the text and map pertaining to it, and the recommendation of the Regional Planning Commission to the Board of Township Trustees unless a tabling has been requested.

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Section 4570 – Establishment of Date for Public Hearing by Township Trustees & Publication of Notice:

The Board of Township Trustees shall, upon receipt of a recommendation from the Zoning Commission, set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Board in one or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing. The publication of such notice is the same as that outlined in either Section 4380 or 4390 depending on the size of the area to be rezoned or redistricted as directed by current regulations.

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Section 4580 – Township Trustees Acceptance, Rejection or Modification of Amendment Recommendation from the Zoning Commission:

Within twenty (20) days after such public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification of them. If the Board of Township Trustees denies or modifies the recommendation of the Zoning Commission, the unanimous majority vote of the Board of Township Trustees shall be required.

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Section 4590 – Effective Date and Referendum:

Such amendment adopted by the Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the amendment, of the Resolution there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the Township equal to but not less than eight (8) percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Trustees to submit the zoning amendment to the electors of the Township for approval or rejection at the next primary or general election. If such petition is not presented, the amendment shall be immediately reduced to writing and recorded in the Journal of the Township Trustees.

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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 Section 3501.38 of the Ohio Revised Code.

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

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Section 4600 – Transmittal of Amendment:

Following the effective date of an amendment, the Zoning Administrator shall transmit copies of such amendment to the Regional Planning Commission, the County Recorder and the County Engineer.

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Section 4700 – Office of Zoning Administrator Created:

To assist in the administration of this Zoning Resolution, the Board of Trustees shall appoint a Zoning Administrator. The Zoning Administrator is primarily responsible for administration of the Millcreek Zoning Resolution, as written, impartially, without authority to deviate from the Resolution.

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Section 4710 – Alternates for the Zoning Administrator:

In the event that the Zoning Administrator cannot attend a meeting of the BZA or the Zoning Commission, an alternate shall be designated by the Chair of the meeting.

Section 4720 – Removal or Resignation of the Zoning Administrator:

The Zoning Administrator shall be removed for nonperformance of duty, misconduct in office, or other cause by the Board of Township Trustees. Upon filing of written charges to or by the Board of Township Trustees, they shall commence an investigation of the situation and hold a public hearing on the matter. The Zoning Administrator shall be given an opportunity to be heard and answer such charges. The Board of Township Trustees must notify the Zoning Administrator in writing of the charges at least ten (10) days prior the hearing either personally, by registered mail, or by leaving such copy at the Zoning Administrator's usual place of residence.

Any resignation of the Zoning Administrator must be in writing to the Board of Township Trustees.

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Section 4730 – Powers and Duties of the Zoning Administrator:

The duties of the Zoning Administrator shall include:

- a)(A) maintain township zoning records
- b)(B) provide requested information and applications to residents as needed
- e)(C) confirm information in applications prior to submitting to BZA or Zoning Commission
- d)(D) process all notices required under this Zoning Resolution
- e)(E) record the minutes of the Zoning Commission and the Board of Zoning Appeals
- f)(F) recommend enhancements for the Zoning Resolution to the Zoning Commission
- g)(G) assist the Zoning Commission in researching zoning topics as needed / requested
- h)(H) testify on behalf of the Township during BZA hearings
- i)(I) other such duties relating to this Zoning Resolution as the Township Trustees may from time to time direct

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The Zoning Administrator shall be compensated at rates set from time to time by the Board of Township Trustees. The Township ~~Clerk~~Fiscal Officer may be named to this position and may receive compensation for such services in addition to other compensation allowed by law.

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ARTICLE V NON-CONFORMING USES

Section 5000 – Intent:

Within the districts established by this Resolution or amendments that may later be adopted there exists lots, structures, uses of land and structures, and characteristics of use which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendment. It is the intent of this Resolution to permit these non-conformities to continue until they are removed. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, moved, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 5010 – Incompatibility of Non-Conforming Uses:

Non-conforming uses are declared by this Resolution to be incompatible with permitted uses in the districts involved. A non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by:

- (A) Attachment on a building or premises of additional signs intended to be seen from off the premises, or
- (B) By the addition of other uses, of a nature which would be generally prohibited in the district in which such use is located.

Section 5020 – Avoidance of Undue Hardship:

To avoid undue hardship, nothing in this Resolution shall be deemed to require change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Section 5030 – Non-Conforming Lots of Record:

In any district in which single family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution. Such lot must be in separate ownership and may not be of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals.

Section 5040 – Non-Conforming Lots of Record in Combination:

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Resolution.

Section 5050 – Non-Conforming Uses of Land:

Where at the time of passage of this Resolution lawful use of land exists which would not be permitted by the regulations imposed by this Resolution, the use may be continued so long as it remains otherwise lawful, provided;

- 1-(A) No such non-conforming use shall be enlarged, increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
- 2-(B) No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Resolution.

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3-(C) If any such non-conforming use of land ceases for any reason for a period of more than 2 years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located;

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4-(D) No additional structures not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

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Section 5060 – Non-Conforming Structures:

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

4-(A) No such non-conforming structure may be voluntarily enlarged or altered in any way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity, except when authorized by the Board of Zoning Appeals in accordance with this Zoning Resolution.

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2-(B) Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than 50 percent of its reproduction value at time of damage shall not be restored except in conformity with the provisions of this regulations of the zoning district in which it is located.

3-(C) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

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Section 5070 – Non-Conforming Uses of Structures or of Structures and Premises in Combination:

If lawful use involving individual structures with a replacement cost of \$1,000 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1-(A) No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- 2-(B) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building;
- 3-(C) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this Resolution;
- 4-(D) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
- 5-(E) When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 2 years during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- 6-(F) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.

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Section 5080 – Repairs and Maintenance:

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the Zoning district in which it is located. Nothing in this Resolution shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

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Section 5090 – Conditional Use Provisions:

Any use which is permitted as a conditional use in a district under the terms of this Resolution, other than a change through the Board of Zoning Appeals action from a non-conforming use to another use not generally permitted in the district, shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

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ARTICLE VI STANDARD ZONING DISTRICTS

Section 6000 – Standard Zoning Districts Purpose:

Millcreek Township, in order to establish the orderly process for the development of land, minimize the opportunity for nuisance and provide for the preservation of health, safety and general welfare of its citizens, establishes the following Zoning Districts and sets forth these regulations pertaining to their development.

Section 6010 – Compliance with Regulations:

The regulations set by this Resolution within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- 4-(A) No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located. Lands or buildings incident to agricultural uses are exempt from this section.
- 2-(B) No building or other structure shall hereafter be erected or altered:
- a)-(1) To exceed the height or bulk;
 - b)-(2) To accommodate or house a greater number of families;
 - c)-(3) To occupy a greater percentage of lot area; and
 - d)-(4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Resolution.
- 3-(C) No lot or yard existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements established by this Resolution.

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SECTION 6100 – U-1 FARM / RESIDENTIAL DISTRICT

Section 6101 – U-1 Farm / Residential District Purpose:

Permit construction of low density single family residences and permit other non-urban types of residential and agricultural activities so that the basically rural character of these areas may be preserved and maintained. In addition, the development of these lands shall be in accordance with the ability of the land to support development without central sewerage disposal and / or central water facilities, to prevent pollution of such lands and aquifers by excessive development, and to protect the aquifer recharge areas.

Section 6110 – U-1 Farm / Residential District Permitted Uses:

The following uses, developed in accordance with all other provisions of this Resolution shall be permitted:

- a-(A) Agricultural uses as defined by the Ohio Revised Code
 - i-(1) Stables and indoor and outdoor arenas
 - ii-(2) Private airstrips for landing private small aircraft subject to the Noise Regulations article in this Resolution and current regulation of the Federal Aviation Administration.
 - iii-(3) Wholesale and retail nurseries
 - iv-(4) Farm markets provided that at least fifty (50%) percent of the gross income from the market is derived from sale of produce raised on farms owned and operated by the market operator in a normal crop year, and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. All farm market structures must conform to the standards set forth in Article XIV of this Resolution.
 - v-(5) Facilities for the storage, sorting, preliminary processing or sale of agricultural products shall be permitted if such products are used in the production of other farm products, and if said storage, processing, sorting or sales is carried on incident to other farming operations by the owner/proprietor.
- b-(B) Projects designed for watershed protection, conservation of soil or water, or for flood control
- e-(C) Public service facilities as defined in Definitions of this Resolution
- d-(D) Public uses as defined in Definitions of this Resolution
- e-(E) Private parks
- f-(F) _____ Quasi-public uses as defined in Definitions Article of this Resolution
- g-(G) _____ Home occupations as defined in [Section Definitions Article of this Resolution 10023](#)
- h-(H) _____ Single family dwellings
- i-(I) _____ Conservation subdivisions pursuant to the requirements of this Resolution
- j-(J) _____ Adult family homes, as defined in this Resolution
- k-(K) _____ Child day care provided in home for six (6) or fewer children who are not members of the immediate resident family, provided the day care is accessory to the use of the dwelling as the provider's residence and further provided that such day care qualifies as a Type B family day care home as defined in Ohio Revised Code Section 5104.01.
- l-(L) _____ Accessory buildings and accessory uses including swimming pools and private garages provided they meet the standards outlined in this Resolution.
- (M) _____ Outdoor advertising / Billboards

Section 6120 – U-1 Farm / Residential Conditional Uses:

No conditional use shall be implemented without a conditional use permit issued by the Zoning Administrator.

- a-(A) ~~Service Business~~ Home Occupations as outlined in ~~this Resolution~~ [Section 10024](#)
- b-(B) Commercial recreation (Examples Hunt clubs / Campgrounds)
 - i-(1) Recreational camping guest stays are limited to no longer than fourteen (14) consecutive days
- e-(C) Veterinary Service or Boarding Kennels, provided that the building or structure dedicated to the use is located at least two hundred (200) feet from any lot line and is subject to the following conditions:
 - i-(1) No building or structure used for the purpose of an animal shelter shall be located closer than four hundred (400) feet from the lot line of any residence, church, school, or any institution of human care.

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- ii.(2) Suitable fencing and/or screening shall be provided as approved by the Millcreek Township Board of Zoning Appeals.
- iii.(3) The minimum lot size is five (5) acres.
- iv.(4) Outside runs are not within 400 feet of adjoining properties.
- d.(D) Cemeteries provided the following standards are met:
 - i.(1) Internment shall not be within 300' of a dwelling house, unless the owner of such dwelling house gives consent, or unless the entire tract appropriated is a necessary addition to or enlargement of a cemetery already in use, as further provided in ORC 1721.03.
 - ii.(2) A mausoleum shall not be within 300' of any property line.
 - iii.(3) A crematory or other structure shall not be within 1000' of any property line.
 - iv.(4) Every cemetery company or association shall cause a plat of its grounds and of the lots laid out by it to be made and recorded or filed in the offices of the county recorder in accordance with ORC 1721.09.
- e.(E) Bed & Breakfast Lodging
 - i.(1) Limited to six (6) rooms for hire
 - ii.(2) Owner must live on premises
 - iii.(3) Lodging-guest stays limited to no longer than fourteen (14) consecutive days
 - iv.(4) Subject to Fire Department inspection and approval

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Section 6130 – U-1 Farm / Residential District Development Standards:

The use of land and structures within this district shall conform to the following standards.

Section 6131 – U-1 Farm / Residential District Minimum Lot Area:

Minimum lot size shall be ~~three five (35) acres~~ *except for conservation subdivisions where minimum lot area is as approved.*

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Section 6132 – U-1 Farm / Residential District Minimum Lot Width and Frontage:

- i-(A) State highways: 250 feet; 80 feet if developed on a common access drive
- ii-(B) Major collector: 250 feet; 80 feet if developed on a common access drive
- iii-(C) Minor collector: 180 feet; 60 feet if developed on a common access drive
- iv-(D) Local road: 150 feet; 60 feet if developed on a common access drive

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Section 6133 – U-1 Farm / Residential District Minimum Yard Setbacks:

The following regulations do not apply to dwellings approved as a part of a conservation subdivision. The development plan and text approved as a part of the conservation subdivision will dictate setbacks. See Article XIV.

- i-(A) Front (depth): Fifty (50) feet as measured from the road right of way
- ii-(B) Rear (depth): Sixty (60) feet as measured from the rear lot line. No accessory use or building shall be located closer than twenty (20) feet to the rear lot line.
- iii-(C) Side (width): Thirty-five (35) feet on each side as measured from the side lot line. No accessory use or building shall be located closer than fifteen (15) feet to the side lot line.

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Section 6134 – U-1 Farm / Residential District Maximum Building Height:

The maximum building height for non farm structures is Thirty-five (35) feet

Section 6135 – U-1 Farm / Residential District Minimum Living Space Requirements:

For any residential dwelling unit (exclusive of the porch, basement and garage) - 1,400 square feet

Section 6136 – U-1 Farm / Residential District Maximum Lot Coverage:

Ground floor area – Twenty-five (25) percent

Section 6137 – U-1 Farm / Residential District Depth to Width Ratios:

- (A) Minimum – 1:1
- (B) Maximum – 3:1 - Does not apply to lots above 10 acres *or* on lots developed on CAD *or in subdivisions*

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SECTION 6200 – R-1 LOW DENSITY RESIDENTIAL

Section 6201 – R-1 Low Density Residential District Purpose:

The purpose of the Low Density Residential District (R-1) is to provide land for low density development. The majority of land in the Low Density Residential District does not have access to central water and wastewater service; therefore, development shall be in accordance with the ability of the land to wells and septic systems.

Section 6210 – R-1 Low Density Residential District Permitted Uses:

The following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a-(A) Single family dwellings
- b-(B) Projects designed for watershed protection, conservation of soil or water, or for flood control
- c-(C) Public uses as defined in this Resolution
- d-(D) Home occupations as defined in ~~this Resolution~~ [Section 10023](#)
- e-(E) Adult family homes as defined in this Resolution
- f-(F) Child day care provided in home for six (6) or fewer children who are not members of the immediate resident family, provided the day care is accessory to the use of the dwelling as the provider's residence and further provided that such day care qualifies as a Type B family day care home as defined in Ohio Revised Code Section 5104.01.
- g-(G) Roadside sales of agriculturally grown products shall be permitted in this district provided that at least fifty percent of the gross income from the market is derived from sale of produce raised on farms owned or operated by the market operator, and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a Conditional Use Permit.
- h-(H) Accessory buildings and accessory uses including swimming pools and private garages provided they meet the standards outlined in this Resolution.
 - i-(1) Accessory uses are limited to one accessory building or use, which may be in addition to a swimming pool.

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Section 6220 – R-1 Low Density Residential District Conditional Uses:

No conditional use shall be implemented until a conditional use permit is issued by the Zoning Administrator.

- a-(A) ~~Service Business~~ Home Occupations as outlined in ~~Section 10024~~ this Resolution
- b-(B) Commercial recreation
- c-(C) Public service facilities as defined in this Resolution
- d-(D) Quasi-public uses as defined in this Resolution
- e-(E) Group homes or Residential Care Facilities in which not more than eight (8) persons are provided with room,

board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary, the following conditions shall be imposed by the Board of Zoning Appeals:

- i-(1) The facility shall comply with all Development Standards contained in this Resolution
- ii-(2) No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.
- iii-(3) No Group Home should be located within a one (1) mile radius of another such facility.

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Section 6230 – R-1 Low Density Residential District Development Standards:

The use of land and structures within the R-1 District shall conform to the following standards.

Section 6231 – R-1 Low Density Residential District Minimum Lot Area:

The minimum lot size shall be ~~three (3) acres, if public water and sewer is not available or one and one-half (1.5) acres if public water and sewer are available.~~

~~Public water and sewer not available: Three (3) acres except for Planned Conservation subdivisions where minimum lot area is as approved.~~

~~Public water and sewer available: One and one-half (1.5) acres except for Planned Conservation subdivisions where minimum lot area is as approved.~~

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Section 6232 – R-1 Low Density Residential District – Minimum Lot Width and Frontage:

~~The following regulations do not apply to dwellings approved as a part of a conservation subdivision. The development plan and text approved as a part of the conservation subdivision will dictate setbacks.~~

- i-(A) State highways: 180 feet; 80 feet if developed on a common access drive
- ii-(B) Major collector: 180 feet; 80 feet if developed on a common access drive
- iii-(C) Minor collector: 150 feet; 60 feet if developed on a common access drive
- iv-(D) Local road: 100 feet; 60 feet if developed on a common access drive

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Section 6233 – R-1 Low Density Residential District Minimum Yard Setbacks:

~~The following regulations do not apply to dwellings approved as a part of a conservation subdivision. The development plan and text approved as a part of the conservation subdivision will dictate setbacks.~~

- ~~i-(A) Front(depth): Fifty (50) feet as measured from the road right of way~~
- ~~ii-(B) Rear (depth): Sixty (60) feet as measured from the rear lot line. No accessory use or building shall be located closer than twenty (20) feet to the rear lot line.~~
- ~~iii-(C) Side (width): Thirty-five (35) feet on each side as measured from the side lot line. No accessory use or building shall be located closer than fifteen (15) feet to the side lot line.~~

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Section 6234 – R-1 Low Density Residential District Maximum Building Height:

For any non-farm structure – Thirty-five (35) feet

Section 6235 – R-1 Low Density Residential District Minimum Living Space Requirements:

For any residential dwelling unit (exclusive of the porch, basement and garage) - 1,400 square feet

Section 6236 – R-1 Low Density Residential District Maximum Lot Coverage:

Ground floor area – Twenty-five percent (25%)

Section 6237 – R-1 Low Density Residential District Depth to Width Ratios:

- a)(A) Minimum – 1:1
- b)(B) Maximum – 3:1 (Does not apply to lots above 10 acres ~~or~~ on lots developed on common access drives ~~or in~~ subdivisions)

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SECTION 6400 – B 1 NEIGHBORHOOD BUSINESS DISTRICT RESERVED

Section 6401 – B 1 Neighborhood Business District Purpose:

It is the intent of Millcreek Township to create a commercial district which together with the regulation of future areas and rehabilitation of existing facilities will provide the atmosphere and opportunities to develop small neighborhood shopping areas which are pleasant, safe, and convenient to the neighborhood yet not designed to serve the public at large. All business and merchandise shall be contained totally within a building.

Section 6410 – B 1 Neighborhood Business District Permitted Uses:

Within the Neighborhood Business District (B 1), the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a. Retail stores primarily engaged in selling of merchandise for personal or household consumption and rendering services incidental to the sale of goods including grocery stores, meat and seafood markets, fruit stores and vegetable markets, candy stores, nut and confectionery stores, dairy product stores, retail bakeries, drug stores, florists, eating places, self-service Laundromats, laundry and dry cleaning shops, beauty shops, video tape and disc rental facilities, barber shops or any other like retail establishment consistent with the above listed uses.
- b. Office facilities for providing personal service such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, dentists, osteopaths, chiropractors, podiatrists or other allied medical, dental or optical fields, accountants, technology assistance, architects, and engineers.
- c. Offices of credit agencies, personal credit institutions, or loan offices.
- d. Offices of veterinarians, provided that the exterior building walls are soundproofed to the maximum extent feasible by using existing technology, with noise emissions not creating a nuisance to the surrounding neighborhood.
- e. Public uses as defined.
- f. Quasi public uses as defined in this Resolution
- g. Public service facilities as defined in this Resolution
- h. Outdoor advertising / Billboards

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Section 6420— B-1 Neighborhood Business District Conditional Uses:

No Conditional Use shall be implemented until a conditional use permit is issued by the Zoning Administrator.

- a. ~~Apartments in areas over or adjacent to the commercial storeroom or office facility.~~
- b. ~~Car washes provided that surface water from such establishments shall not drain onto adjacent property, and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.~~
- c. ~~Limited service eating and drinking establishments~~
- d. ~~Child day care services~~
- e. ~~Drive in or drive through facilities for restaurants, financial institutions, and other similar type businesses.~~
- f. ~~Continuing care facilities for the elderly~~
- g. ~~Gas stations provided no body work or other service occurs on site.~~

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Section 6430— B-1 Neighborhood Business District Development Standards:

The use of land and structures within the B-1 Business District shall conform to the following standards:

Section 6431— B-1 Neighborhood Business District Minimum Lot Size:

~~No minimum lot size is required. However, lot size shall be adequate to provide the yard space required by these development standards and if central water and wastewater service is not available, the lot must be of adequate size to secure the proper permits from the Ohio Environmental Protection Agency.~~

Section 6432— B-1 Neighborhood Business District Lot Width:

~~No minimum lot width is required, however, all lots shall abut a street and have adequate width to provide the yard space required by these development standards.~~

Section 6433— B-1 Neighborhood Business District Front Yard Setback:

~~A front yard setback of fifteen (15) feet shall be required.~~

Section 6434— B-1 Neighborhood Business District Yard Requirements and Setbacks:

~~Side Yard— A side yard of fifteen feet on each side shall be required. If the use is adjacent to any residential district, such side yards shall be fifty feet from the shared lot line.~~

~~Rear Yard Setback— A rear yard setback of fifty feet shall be required. If the use is adjacent to any residential district, the rear yard setback shall be fifty feet. A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty feet wide.~~

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Section 6435 – B-1 Neighborhood Business District Building Size:

Principal structures in the B-1 District shall not exceed 5,000 square feet.

Section 6436 – B-1 Neighborhood Business District Maximum Percentage of Lot Coverage:

- b) Principal & Accessory Buildings – Fifty percent (50%)
- c) Buildings Plus Parking & Loading Areas – Seventy five percent (75%)

Section 6437 – B-1 Neighborhood Business District Maximum Height of Principal Buildings:

Thirty five (35) feet

Section 6438 – B-1 Neighborhood Business District Accessory Buildings:

- i. Must be located behind the principal structure
- ii. Maximum height of fifteen (15) feet
- ii. May not be located closer than five (5) feet to any non-residential property line; may not be located closer than fifty (50) feet to any residential property line.

Section 6439 – B-1 Neighborhood Business District Design Standards:

- a) Landscaping & Fencing – Shall comply with Article XIII.
- b) Parking: Off-street parking facilities shall be provided per the requirements of Article X.
- c) Loading: Loading facilities shall be provided per the requirements of Article X.
- d) Signs: All signs shall comply with the requirements of Article XI.

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SECTION 6500 – B-2 GENERAL BUSINESS DISTRICT

Section 6501 – B-2 General Business District Purpose:

It is the intent of Millcreek Township to create a commercial district that will provide the atmosphere and opportunities to develop shopping and office areas which will provide a full range of services and products to the Township and the surrounding communities.

Section 6510 – B-2 General Business District Permitted Uses:

Within the General Business District (B-2), the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted. All business and merchandise shall be contained totally within a building. The following are permitted uses in the B-2 District:

- a-(A) Commercial recreation
- b-(B) Hospitals, medical facilities, nursing homes and convalescent homes
- c-(C) Medical, dental and optical laboratories
- d-(D) Child care facilities
- e-(E) Full service eating and drinking establishments
- f-(F) Automobile washing establishments provided that surface water from such use shall not drain onto adjacent property, over a public sidewalk, over a public road, or into a natural waterway, and that adequate on site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
- g-(G) Hotel or motel
- h-(H) Business offices
- i-(I) Garden centers.
- j-(J) Retail lumber and building material yards.
- k-(K) Outdoor advertising / Billboards.

Section 6520 – B-2 General Business District Conditional Uses:

No conditional use shall be implemented until a conditional use permit is issued by the Zoning Administrator.

- a-(A) Apartments in areas over or adjacent to the commercial storeroom or office facility.
- b-(B) Drive-in or drive-through facilities for restaurants, financial institutions, and other similar type businesses.
- c-(C) Automobile service stations, automobile repair shops, and automobile painting shops
- d-(D) Other businesses similar in nature or character as those listed as permitted uses, as determined by the Board of Zoning Appeals.

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Section 6530 – B-2 General Business District Development Standards:

The use of land and structures within the B-2 General Business District shall conform to the following standards.

Section 6531 – B-2 General Business District Minimum Lot Size:

No minimum lot size is required. However, lot size shall be adequate to provide the yard space required by these development standards and if central water and wastewater service is not available, the lot must be of adequate size to secure the proper permits from the Ohio Environmental Protection Agency.

Section 6532 – B-2 General Business District Lot Width:

No minimum lot width is required, however, all lots shall abut a street and have adequate width to provide the yard space required by these development standards.

Section 6533 – B-2 General Business District Front Yard Setback:

A front yard setback of fifty (50) feet shall be required.

Section 6534 – B-2 General Business District Yard Requirement & Setbacks:

- (A) Side yards – A side yard of fifteen (15) feet on each side shall be required. If the use is adjacent to any zoning district with residential use, such side yards shall be one hundred (100) feet from the shared lot line.
- (B) Rear yard setback – A rear yard setback of fifty (50) feet shall be required. If the use is adjacent to any zoning district with residential use, the rear yard setback shall be one hundred (100) feet. A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty (40) feet wide.

Section 6535 – B-2 General Business District Building Size:

Section 6536 – B-2 General Business District Maximum Percentage of Lot Coverage:

- a) Principal & Accessory Buildings = Fifty percent (50%)
- b) Buildings + Parking & Loading Areas = Seventy-five percent (75%)

Section 6537 – B-2 General Business District Maximum Height of Principal Buildings:

Thirty five (35)Forty (40) feet

Section 6536 – B-2 General Business District Maximum Percentage of Lot Coverage:

- c) Principal & Accessory Buildings = Fifty percent (50%)
- d) Buildings + Parking & Loading Areas = Seventy-five percent (75%)

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Section 6538 – B-2 General Business District Accessory Buildings:

- a)(A) Must be located behind the principal structure
- b)(B) Maximum height of fifteen (15) feet
- e)(C) May not be located closer than five (5) feet to any non-residential property line; may not be located closer than fifty (50) feet to any residential property line.

Section 6539 – B-2 General Business District Standards:

- a)(A) Landscaping - Shall comply with Article XIII.
- b)(B) Parking – Off-street parking facilities shall be provided per the requirements of Article XII.
- e)(C) Loading – Off-street loading facilities shall be provided per the requirements of Article XII.
- d)(D) Signs – All signs shall comply with the requirements of Article XI.

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SECTION 6600 – B-3 OFFICE AND RESEARCH AND DEVELOPMENT DISTRICT RESERVED

Section 6601 – B-3 Office and Research & Development District Purpose:

The Office and Research and Development District is intended to accommodate office buildings, similar structures and complementary uses in a mutually compatible environment. It is designed to provide landscaping and space requirements suitable for an office and research setting. Uses are limited to those compatible with an office setting and those which do not produce noise, air, or other environmental nuisances which might interfere with activities within this district and surrounding residential areas.

Section 6610 – B-3 Office and Research & Development District Permitted Uses:

Within the Office and Research and Development District (B-3), the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted.

- a. Medical or professional offices
- b. Business offices
- c. Hospitals and institutions
- d. Health care clinics
- e. Research laboratories
- f. Research testing services
- g. Research assembly services
- h. Outdoor advertising / Billboards.

Section 6620 – B-3 Office and Research & Development District Conditional Uses:

No conditional use shall be implemented until a conditional use permit is issued by the Zoning Administrator.

- a. Public or private primary and secondary educational facilities including training centers.
- b. Hotel or motel
- c. Meeting or conference center
- d. Research warehousing services provided it is ancillary to the principal use
- e. Accessory commercial uses provided they do not occupy more than 20 percent (20%) of the total floor area of the principal use or office park.
- f. Other businesses similar in nature or character as those listed as permitted uses, as determined by the Board of Zoning Appeals.

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Section 6630— B-3 Office and Research & Development District Development Standards:

The use of land and structures within the B-3 Office and Research and Development District shall conform to the following standards:

Section 6631— B-3 Office / Research & Development District Minimum Lot Size:

No minimum lot size is required. However, lot size shall be adequate to provide the yard space required by these development standards and if central water and wastewater service is not available, the lot must be of adequate size to secure the proper permits from the Ohio Environmental Protection Agency.

Section 6632— B-3 Office / Research & Development District Lot Width:

No minimum lot width is required, however, all lots shall abut a street and have adequate width to provide the yard space required by these development standards.

Section 6633— B-3 Office / Research & Development District Yard Requirement & Setback:

- a) ~~Front Yard~~ — A front yard setback of fifty (50) feet shall be required.
- b) ~~Side yards~~ — A side yard of twenty five (25) feet on each side shall be required. If the use is adjacent to a residential zoning district or a planned conservation residential overlay district or planned residential zoning district, such side yards shall be fifty (50) feet from the shared lot line.
- c) ~~Rear yard setback~~ — A rear yard setback of fifty (50) feet shall be required. If the use is adjacent to a residential zoning district or a planned conservation residential overlay district or planned residential zoning district, the rear yard setback shall be one hundred (100) feet.

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Section 6635— B-3 Office / Research & Development District Building Size:

Section 6635— B-3 Office / Research & Development District Maximum Building Height:

Principal buildings—Forty five (45) feet

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Section 6636— B-3 Office / Research & Development District Maximum Lot Coverage:

- a) ~~Principal & Accessory Buildings~~ — Fifty percent (50%)
- b) ~~Buildings Plus Parking & Loading Zones~~ — Seventy five percent (75%)

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Section 6638— B-3 Office / Research & Development District Accessory Buildings:

- a) ~~Must be located behind the principal structure~~
- b) ~~Maximum height of thirty five (35) feet~~
- c) ~~May not be located closer than five (5) feet to any non-residential property line; may not be located closer than fifty (50) feet to any residential property line.~~

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Section 6639— B-3 Office / Research & Development District Design Standards:

- a) ~~Landscaping: Shall comply with Article XIII.~~
- b) ~~Parking: Off street parking facilities shall be provided per the requirements of Article X.~~
- c) ~~Loading: Loading facilities shall be provided per the requirements of Article X.~~
- d) ~~Signs: All signs shall comply with the requirements of Article XI.~~

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SECTION 6700 – M-1 LIMITED MANUFACTURING DISTRICT RESERVED

Section 6701 – M-1 Limited Manufacturing District Purpose:

The Limited Manufacturing District is intended to accommodate non-polluting industrial development in order to provide a balance of land uses within the Township and maintain the fiscal health of the Township.

Section 6710 – M-1 Limited Manufacturing District Permitted Uses:

Within the Limited Manufacturing (M-1) District, the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- a. Wholesale businesses when all products are stored within the building.
- b. Warehouse or storage activities when all materials are within a building.
- c. Business offices
- d. Research laboratories
- e. Research assembly services
- f. Research testing facilities
- g. Light Manufacturing and Assembly
- h. Outdoor advertising / Billboards.

Section 6720 – M-1 Limited Manufacturing District Conditional Uses:

No conditional use shall be implemented until a conditional use permit is issued by the Zoning Administrator.

- a. Manufacturing activities when all operations and materials are within a building.
- b. Service or repair activities when all operations and materials are within a building.
- c. Recycling facilities when all materials and operations are within a building.
- d. Accessory commercial uses provided they do not occupy more than twenty (20) percent of the total floor area of the principal use or industrial park.
- e. Adult entertainment facilities per the requirements of Article XV.
- f. Other businesses similar in nature or character as those listed as permitted uses, as determined by the Board of Zoning Appeals.

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Section 6730 – M-1 Limited Manufacturing District Development Standards:

The use of land and structures within the M-1 Limited Manufacturing District shall conform to the following standards.

Section 6731 – M-1 Limited Manufacturing District Minimum Lot Size:

- a) Without public services—Three (3) acres
- b) With public services—One (1) acre

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Section 6732 – M-1 Limited Manufacturing District Minimum Lot Width: 250 feet

Section 6733 – M-1 Limited Manufacturing District Yard Requirements and Setbacks:

- a) A front yard setback of sixty five (65) feet shall be required.
- b) Side yards: A side yard of twenty five feet on each side shall be required. If the use is adjacent to a residential zoning district or a PCRD or planned residential zoning district, such side yards shall be One hundred (100) feet from the shared lot line.
- c) Rear yard setback: A rear yard setback of fifty (50) feet shall be required. If the use is adjacent to a residential zoning district or a planned conservation residential District or planned residential zoning district, the rear yard setback shall be one hundred (100) feet.

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Section 6734 – M-1 Limited Manufacturing District Maximum Lot Coverage:

- a) Principal & Accessory Buildings—Twenty five percent (25%)
- b) Building Plus Parking & Loading Areas—Fifty percent (50%)

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Section 6737 – M-1 Limited Manufacturing District Maximum Building Height:

- a) Principal buildings: Fifty (50) feet

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Section 6738 – M-1 Limited Manufacturing District Accessory Buildings:

- a) Must be located behind the principal structure
- b) Maximum height of thirty five (35) feet
- c) May not be located closer than five (5) feet to any non-residential property line; may not be located closer than fifty (50) feet to any residential property line.

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Section 6739 – M-1 Limited Manufacturing District Design Standards:

- a) Landscaping: Shall comply with Article XIII.
- b) Parking: Off-street parking facilities shall be provided per the requirements of Article X.
- c) Loading: Off-street loading facilities shall be provided per the requirements of Article X.
- d) Signs: All signs shall comply with the requirements of Article XI.

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SECTION 6750 – M-2 MANUFACTURING DISTRICT

Section 6751 – M-2 Manufacturing District Purpose:

The Manufacturing District is intended to accommodate low impact industrial and business developments in order to provide a balance of land uses within the Township and maintain the fiscal diversity of the Township. The Township recognizes that a well planned and balanced community must provide its residents with employment, goods and services, as well as to provide a balanced economy within the Township. It is the intention to provide reasonable conditions by which desirable business enterprises may operate so that the health and safety of the residents of the Township may be preserved. To that end, this district is intended to provide and encourage unified, clean manufacturing use and office areas usually under single ownership and control, or clustered together in planned out lots, where use and layout are known.

Section 6752 – M-2 Manufacturing District Permitted Uses:

Within the Manufacturing District (M-2), only the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted.

a-(A) Rebuilding of existing homes or other buildings

b-(B) Manufacturing and assembly of:

- (1) Apparel
- (2) Appliances and associated components
- (3) Electrical equipment
- (4) Footwear
- (5) Specialty vehicles (low volume – 100 units or less per month)
- (6) Robotics
- (7) Cabinetry and millwork
- (8) Plastics products
- (9) Glass & glass products
- (10) Architectural & structural metals
- (11) Machine development
- (12) Computer & electronic products
- (13) Motor vehicle specialty parts
- (14) Aerospace product and parts
- (15) Pharmaceutical
- (16) Spring & wire product
- (17) Fabricated metal products
- (18) Industrial and commercial machinery
- (19) Measuring and analyzing instruments
- (20) Transportation equipment

c-(C) Research & development, research laboratories, research assembly services, research testing facilities.

d-(D) Business offices.

e-(E) Outdoor advertising / billboards.

f-(F) Printing and publishing facilities, except for paper manufacturing

g-(G) Agricultural sales and services

h-(H) Service or repair facilities provided all business-related activities are performed entirely within an enclosed or screened structure, including the parking and storage of customer and business-owned equipment. Also see Section 6763 Manufacturing District Design Standards.

Section 6753 – M-2 Manufacturing District Desired Characteristics:

The Manufacturing District is intended to provide locations for industrial and manufacturing uses in areas where they will have the necessary services and facilities and be located in such a manner as to minimize obtrusions of adjoining uses and districts. This district should be located near rail lines and have direct access to interstate highway interchanges for ease of transportation of goods.

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These centers have all necessary utility services and roads comprehensively provided. Buildings within this District are to be architecturally attractive and compatible with surrounding uses. The tract is to be well landscaped in accordance with Article XIII of the Millcreek Zoning Resolution. Parking and loading areas shall be screened and pedestrian-vehicular separation achieved. The relationship among individual establishments is to be harmonious. The principal tenant and the size of the center have much to do with its physical character, relationship to the community and economic success, so these factors should be of concern in considering a Manufacturing District. It is intended that the Manufacturing District and the area surrounding it be protected from the intrusion of dissimilar land uses, except those clearly complimentary, supplementary and physically compatible with the development of the center and the vicinity.

Section 6754 – M-2 Manufacturing District Conditional Uses:

No conditional use shall be implemented until the Millcreek Township Board of Zoning Appeals issues a conditional use permit. The following uses are Conditional Uses:

- a-(A) Public service facility.
- b-(B) Food and kindred uses.
- c-(C) Public and quasi-public uses.
- d-(D) Accessory commercial uses provided they do not occupy more than twenty (20%) percent of the total floor area of the principal use or industrial park.
- e-(E) Adult entertainment facilities per the requirements of this Zoning Resolution.
- f-(F) General contractors such as building and remedial construction activities provided all business equipment is stored within an enclosed structure or fully screened with landscape features.
- g-(G) Manufacturing of treated lumber products and/or wood products not raised on the parcel.
- h-(H) Structural clay product manufacturing (excluding concrete plants and associated products).
- i-(I) Any business or facility catering to the needs of employees within the district (e.g., lodging, restaurants, dry cleaning or hotels).
- j-(J) Construction & Demolition debris transfer station.
- k-(K) Any use not prohibited that requires an air quality permit.
- l-(L) Other businesses similar in nature or character as those listed as permitted uses, as determined by the Board of Zoning Appeals.

Section 6755 – M-2 Manufacturing District Prohibited Uses:

Below is a list of expressly prohibited uses. This section should also be referenced when considering a conditional use request to ensure such use is not similar in nature to one of these items.

- a-(A) Petroleum processing or handling of any type, including propane and associated products or services.
- b-(B) Trucking hub, depot or redistribution hub/warehouse.
- c-(C) Warehouse or storage business (as a primary use).
- d-(D) Landfill and/ or Solid waste transfer stations
- e-(E) Steel plants, chemical plants, manufacture of raw plastic, paper mills, other US EPA Title V-type operations.

Section 6756 - M-2 Manufacturing District Development Standards

The use of land and structures within the M-2 Manufacturing District shall conform to the following standards.

Section 6757 – M-2 Manufacturing District Minimum Lot Size (Square Feet):

- a-(A) Without central water and sewer: Three (3) acres.
- b-(B) With central water and sewer: One (1) acre.

Section 6758 – M-2 Manufacturing District Minimum Lot Width:

Shall follow the Union County Engineer’s Access Management Regulations

Section 6759 – M-2 Manufacturing District Lot Requirements and Setbacks:

- a-(A) A front setback of ninety (90) feet from centerline of the road shall be required.
- b-(B) Side setbacks of twenty-five (25) feet shall be required. If the use is adjacent to a residential zoning district or a planned conservation residential district or planned residential district, such side lots shall be one hundred (100) feet

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from the shared lot line. Where the side lot abuts a road the side lot setback will be ninety (90) feet from the centerline of the road.

e-(C) A rear setback of fifty (50) feet shall be required. If the use is adjacent to a residential zoning district or a planned conservation residential district or planned residential district, the rear lot setback shall be one hundred (100) feet from the shared lot line. Where the rear lot abuts a road the rear lot setback will be ninety (90) feet from the centerline of the road.

Section 6760 – M-2 Manufacturing District Maximum Lot Coverage;

- a-(A) Parcels 10 acres or less
 - i-(1) Principal and accessory buildings – Fifty percent (50%)
 - ii-(2) Buildings plus parking and loading areas – Seventy-five percent (75%)
- b-(B) Parcels greater than 10 acres
 - i-(1) Principal and accessory buildings – Forty percent (40%)
 - ii-(2) Building plus parking and loading areas – Sixty percent (60%)

Section 6761 – M-2 Manufacturing District Maximum Building Height of Principal Building;

a-(A) Principal buildings: Fifty (50) feet

Section 6762 – M-2 Manufacturing District Accessory Buildings;

- a-(A) Must be located behind the principal structure.
- b-(B) Maximum of height of thirty-five (35) feet.
- e-(C) May not be located closer than twenty-five (25) feet to any non-residential property line; may not be located closer than one hundred (100) feet to any residential property line.

Section 6763 – M-2 Manufacturing District Design Standards;

- a-(A) Landscaping shall comply with Article XIII.
- b-(B) Mounding, screening and landscaping are required of products and materials that are stored outside where permitted. Outside storage is permitted behind the principal building only (behind the building).
- e-(C) Off-street parking facilities shall be provided per the requirements of Article XII.
- e-(D) Off-street loading areas shall be provided per the requirements of Article XII.
- e-(E) All signs shall comply with the requirements of Article XI.

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SECTION 6800 – EXCAVATION AND QUARRY DISTRICT (EQ)

Section 6801 – Purpose & Intent of EQ District:

The purpose of the EQ District is to provide for the development and utilization of mineral and aggregate resources, and to regulate resource extraction and processing activities for the health, safety and general well-being of the surrounding community.

The intent of the EQ District is:

- a-(A) To maintain flexibility for the Township's future development, and maintain the quarry operator's continuing interest in how its operations affect nearby landowners and residents, by zoning modest amounts of land as needed several years ahead of use, rather than large amounts of land representing decades of future inventory;
- b-(B) To establish clear and objective operational standards for the extraction and processing of mineral and aggregate resources;
- c-(C) To ensure that mining site operations are conducted consistent with public safety and welfare, and in ways compatible with existing adjacent land uses; and,
- d-(D) To ensure the reclamation of lands after mineral and aggregate resource extraction activities are completed.

Section 6810 – EQ District Permitted Uses:

- a-(A) Mining or quarrying operations for the extraction of rock, clay, soil, sand, gravel, limestone and other minerals.
- b-(B) Crushing, washing and screening of mineral and aggregate materials.
- c-(C) Stockpiling of mineral and aggregate materials and earth products.
- d-(D) An office, shop, scales, and other accessory structures used for the management and maintenance of mineral and aggregate extraction and processing equipment.
- e-(E) Sale of products from mineral and aggregate extraction and processing operations.
- f-(F) Storage of equipment and machinery necessary for mineral and aggregate extraction and processing.
- g-(G) Agricultural uses.
- h-(H) Public and nonprofit parks and playgrounds.
- i-(I) Outdoor advertising / billboards.

Section 6820 – EQ District – Lot Area:

The proposed useable mining lot area, excluding all required setback areas, shall not exceed fifty (50) acres.

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Section 6830 – EQ District – Rezoning timely for continuing on-going operations:

In accordance with the policy expressed in the Section above, the land for which rezoning is sought should be shown to be reasonably necessary to sustain on-going mining operations of an existing quarry, or to begin operations in the case of a new quarry, within three years or less from the date of application.

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Section 6840 – EQ District – Water Monitoring:

The quarry operator shall continuously monitor the effect of its quarry dewatering on the ground water in its neighborhood as follows:

- a-(A) Operable ground monitoring wells shall be placed at sufficient intervals, with sufficient depths, around the pit area to accurately monitor the effect of dewatering on all surrounding properties. The depth, placement and number of monitoring wells shall be at the discretion of the Zoning Administrator.
- b-(B) Measurements must be taken in a continuous manner and analyzed once a month. The quarry operator will monitor the water level fluctuations in the monitoring wells using automatic water level instrumentation consisting of pressure transducers and a data logger. A quarterly report will be submitted to the Zoning Administrator.
- c-(C) If the water level data indicates a decline in water level that could potentially impact water quality beyond the property line, a three-dimensional groundwater flow model will be used to evaluate the extent of the off-site impact. A modification to the mine plan will be implemented, if necessary, and a copy filed with the Zoning Administrator to be available for public inspection.
- d-(D) Water from the monitoring wells shall be analyzed for acceptable standard water quality parameters by the Union County Health Department once a year. A copy of the Health Department report will be provided to the Zoning Administrator and the Board of Township Trustees.

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Section 6841 – EQ District – Water Monitoring, Pumping Water from the Quarry:

Pumping of water from the quarry is permitted, provided that the property owners downstream of the quarry are not adversely affected. A settling basin shall be established to retard the pumping of quarry material during normal pumping operation. The water from the settling basin shall be pumped from as near its surface as necessary to avoid pumping any sediment. A copy of any test report required by governmental authorities on this water shall be filed with the Zoning Administrator to be available for public inspection.

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Section 6842 – EQ District – Water Monitoring, Runoff Water:

Runoff from the mounds shall be controlled in such a manner to eliminate surface water runoff to adjoining property owners. The quarry operator shall direct the flow of water from the mounds to the settling basin through a system of drainage tile around the base of the mound if required. In addition, adequate drainage shall be provided for any surface or subsurface drainage systems from adjoining properties that cross the mining site. A drainage plan shall be developed in conjunction with the Union County Soil and Water Conservation District and the Union County Engineer. This plan shall become a part of the zoning application. This shall include but not be limited to alteration of the natural drainage by mounding or the open pit.

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Section 6843 – EQ District – Water Monitoring, Water Well Investigation & Complaint Resolution:

Prior to commencement of operations on newly rezoned ground, the quarry operator, shall offer to perform a pre-operation well survey for each water well currently existing within 2,500 ft of the extent of the proposed pit area as shown on the site plan, or at other water well locations outside the 2,500 ft limit, but deemed appropriate by quarry operator. New water wells constructed within these boundaries shall also come within these provisions, as they are made known to the quarry operator by the well owners, as set forth below. The survey will be performed at the expense of the quarry operator. This offer will be made in writing and delivered by certified mail, return receipt requested. An independent company will perform such surveys and a copy of the survey will be given to the owner of the well. This offer must be accepted within 60 days of the date of mailing. The survey will consist of taking a water level measurement, a water quality sample, and confirming the condition of the well and pump. A well owner within these boundaries who had previously declined or otherwise not had a well survey, may obtain one and come within these provisions thereafter by sending a written request for such survey to the quarry operator, by certified mail, return receipt requested.

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Section 6843.01 – EQ District, Water Monitoring, Complaints Concerning Damage to Water Supply:

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For complaints regarding damage relating to the quantity or quality of water from surrounding active water wells, the quarry operator shall follow a mitigation plan as set forth below.

- a.(A) The quarry operator shall verify that the residential owner is within the 2,500 ft of the extent of the proposed pit area and that the pre-operation well survey has been completed. The quarry operator shall attempt to make an initial response to any complaint made to the local plant manager within 72 hours of the receipt of such or complaint. The minimum initial response shall consist of either a follow-up telephone call or an in-person visit to the complainant in order to determine the nature and extent of the alleged problem. If initial efforts to contact the complainant are not successful, this procedure will be repeated for ten business days following, and intermittently thereafter, until contact is made. Concurrently, the quarry operator shall notify the complainant of the owner's remedies under these conditions.
- b.(B) As soon as practicable, after the initial response, and at least within five business days the quarry operator shall initiate such tests or analyses as are needed to determine the cause and extent of the alleged problem and shall pursue, to conclusion, the tests and analyses as expeditiously as is reasonably practicable.
- c.(C) If the tests or analyses determine that there is damage to the quantity or quality of a surrounding, active drinking well, resulting from the permitted activity, then the quarry operator shall compensate the property owner for all reasonable costs incurred in connection with remedying the situation, and (1) shall dig a new well, or (2) shall provide such other remedy as is mutually agreeable to both parties.
- d.(D) In determining the amount of compensation payable under c. above, the parties will first attempt to work out an agreeable settlement. In the event that the parties cannot agree, each party shall select a person or firm competent to evaluate the damages in question and those two persons or entities shall select a third person or firm competent to make the evaluation of damages. At least two of the three people or firms shall agree on the amount of compensation.

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Section 6843.01 – EQ District, Water Monitoring, Complaints Concerning Damage to Water Supply (Continued):

e-(E) In the event that any person shall receive a settlement under this procedure, such settlement shall constitute the sole remedy for the damage which is the subject of the complaint and the quarry operator shall be entitled to a general release and indemnification of all claims to restrict the right of any person to abandon the herein described procedure prior to settlement and to avail himself of any remedies at law which might be available as a result of the act or occurrence that occasioned the complaint.

f-(F) This mitigation plan shall apply only if the well owner has accepted the company's offer for the pre-operation well survey, or made a proper request for a well survey in accordance with Section 6843 above

Section 6850 – EQ District Blasting & Blast Damage Protection:

Section 6851 – EQ District – Blasting Parameters: All blasting shall be conducted pursuant to Chapter 1501: 14-3-04 of the Ohio Administrative Code as well as Section 1561 of the Ohio Revised Code, or its successor Sections. Permitted ground vibration is 1 inch per second or less, and permitted air blast is 125 decibels or less.

Section 6852 – EQ District – Blasting Notification: A monthly schedule for blasting shall be submitted to the Township Zoning Administrator and Township Trustees. Township residences within 2,500' of the blasting area shall be notified of the time of blasting 48 hours prior to blasting. Notification can be via telephone or electronic mail. Blasting notification signs shall be placed at the following locations: at all road intersections adjacent to the quarry; at quarry property boundaries along all adjacent public roads; and, at other locations as deemed necessary by the township Zoning Administrator or quarry personnel.

Section 6853 – EQ District – Pre-blast Survey:

a-(A) Prior to commencement of blasting operations on newly rezoned ground, the quarry operator shall offer to perform a pre-blast survey for each residence, or other structure that could reasonably be damaged by proximate blasting, currently existing with 2,500 feet of the proposed blasting area as shown on the site plan or at any other locations outside the 2,500' limit but deemed appropriate by the quarry operator personnel.

b-(B) This survey will be performed at no cost to the residential owner. This offer will be made in writing and delivered by certified mail, return receipt requested. The residential owner must accept the survey offer within 60 days of the date of mailing.

c-(C) Surveys will be performed by an independent company in the presence of the residential owner. Copies of the survey will be given to the owner.

d-(D) The purpose of this survey is to assess the pre-blast structural condition of the residence, which will serve as baseline data to assess any future owner complaints regarding blast damage.

e-(E) New residences constructed within these boundaries shall also come within these provisions, as they come to the attention of the quarry operator, by residential owner request or otherwise.

f-(F) A residence within these boundaries which had previously declined or otherwise not had a blast survey, may obtain one and come within these provision thereafter by sending a written request for such survey to the quarry operator, by certified mail, return receipt requested.

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Section 6860 – EQ District – Control of Nuisances:

Section 6861 – EQ District – Screening:

A mounded earth buffer not less than fifteen feet (15) or more than thirty feet (30) high shall be constructed to screen the view of the site from public roads and adjoining property line. The base of the earthen mound shall be not less than two hundred fifty feet (250) from the adjoining property line(s), except as otherwise permitted under paragraphs a. and b. of Section 6096.3, below. The mound shall have grass or other suitable ground cover, and shall be landscaped with trees and well maintained. The area between the mound and adjoining property line shall be landscaped. The landscaping plan, set forth in reasonable detail, shall be a part of the rezoning application.

Section 6862 – EQ District – Stockpiles:

Stockpiles shall be inside mounded area and no higher than the perimeter mounds.

Section 6863 – EQ District – Setbacks:

a.(A) Mineral and aggregate extraction shall be at least five hundred (500) feet from adjoining property line(s), except as otherwise provided in paragraph B, below. An adjoining property owner may agree with the quarry operator to a smaller setback opposite such owner's property only, provided minimum mound height is maintained, provided such agreement is in writing and recorded in the Union County Miscellaneous records, and copies are filed with the Township and Zoning ~~Clerk~~Fiscal Officers.

b.(B) In such places as the quarry operator owns the property adjacent to both sides of a public highway, the minimum mineral and aggregate extraction setback may be one hundred (100) feet from the road right of way, provided the quarry operator offers sufficient evidence to convince the Zoning Commission that such reduced minimum setback will not reduce the structural integrity or safety of the highway. Such evidence shall include a written statement of concurrence from the Union County Engineer.

c.(C) Processing of mineral and aggregate material shall be at least six hundred feet (600) from adjoining property lines.

d.(D) Office, shop and other accessory structures shall be at least five hundred feet (500) from adjoining property lines.

e.(E) Storage of overburden for reclamation and berming may be allowed within setbacks, but inside the mounded area and no higher than the mound, subject to conformance with the reclamation plan.

Section 6864 – EQ District – Fencing:

Fencing may be required to eliminate particular safety hazards that use of the site may create for adjacent land uses. When fencing is required it shall be of farm type, a minimum of six feet (6) high. This provision is not intended to require fencing the entire perimeter of the quarry pit. The location of the fencing to eliminate safety hazards shall be determined by the Zoning Administrator.

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Section 6865 – EQ District – Noise control:

All moving equipment shall be reasonably equipped and operated to minimize noise. If quarry operator's risk management and safety representatives concur, quarry operator shall use strobe lights in lieu of back-up alarms after dark. Crushers and other large stationary noise generating equipment shall be placed in the middle of the site, at pit bottom, and shall use sound attenuating enclosures and/or active noise reduction to minimize noise emanating from the pit.

Section 6866 – EQ District – Lighting:

On site lighting must be such as to focus light into the pit and minimize light spill over to adjoining properties, under all atmospheric conditions.

Section 6867 – EQ District – Hours of Operation:

The quarry shall operate between the hours of 6:00 A.M. and 11:00 P.M. Monday through Friday and 7:00 A.M. through 5:00 P.M. on Saturday. No excavating activities shall occur on Sunday or national holidays, however, maintenance activities which produce minimal noise, dust, and light pollution are allowed at any time the operator desires. For good cause shown, such as contract mandates and production requirements, the hours and days of operation may be altered by the quarry operator by notifying the Zoning Administrator with reasons for the alteration and giving an approximate length of time needed for the alteration. Township residences within 2,500' of the quarry shall be notified of the change of operation hours 72 hours prior to the change. Notification can be via telephone or electronic mail or United States Postal Service. Blasting shall occur between the hours of 11:00 A.M. and 3:00 P.M. on any three days of a given week, Monday through Friday. No blasting shall occur on Saturday, Sunday, or on national holidays.

Section 6868 – EQ District – Dust Control:

The quarry operator will undertake the following actions to prevent dust from accumulating on nearby property and roads. All private access roads from Quarry to public roads shall be paved to Union County standards, and watered down as needed to minimize fugitive dust generated by vehicles. All trucks leaving quarry shall have their wheels washed and their aggregate loads covered with tarps. Dust created within the quarry shall be suppressed by water or other suitable means to the extent it is leaving the quarry and accumulating on nearby property; including (but not limited to) dust arising or blowing from crushers, internal quarry roads, stockpiles, or excavation. Quarry operator's re-zoning application shall include a statement detailing its proposed means of dust control.

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Section 6869 – EQ District – Complaints, Comments and Inquiries of Quarry Operation:

The quarry operator shall designate someone within its organization to be the contact person for township residents, officials, and others that may have complaints, comments, or inquiries about the quarry's operation in the township. The contact person's name, work phone number, and work address, shall be provided to the Zoning Administrator, and updated as necessary. Such complaints, comments, and inquiries as are made in writing (including E-mail), and the quarry's responses thereto (which shall include an initial response to be made by the contact person within three (3) days of the contact), shall be retained in hard copy by the contact person, and made available for review by the Zoning Administrator at any reasonable time. The Township Trustees may also require that a regular quarterly report of such written record be timely provided to the ClerkFiscal Officer. If the quarry operator has or desires to have a published complaint Resolution process, a copy of it should be attached to the zoning application.

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Section 6870 – EQ District – Site Reclamation:

Quarry operator shall include with its re-zoning application a land reclamation plan, a copy of which shall also be filed with the clerkFiscal Officer of the Township Trustees. The land reclamation plan shall have sufficient detail to allow the Zoning Commission and the Township Trustees to review whether it is adequate and in the best interest of the township.

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▲ This plan shall include a topographical map showing the topography after reclamation, the flora proposed to be planted, a suggestion of possible use of the land after reclamation, and the time frame to begin and complete reclamation work.

No excavation shall begin until the reclamation plan has been separately approved by the Township Trustees.

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All equipment must be removed within 180 days from such time as the quarry operator ceases operation on the site.

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For the purposes of this section only, if the site is to be contiguous with and open to, and is in effect and extension of, an existing portion of the quarry, then the plan should also cover such contiguous quarry land, to the extent it is not already covered by a previous plan.

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▲ The time frame to begin reclamation may be extended by re-zoning approval of each contiguous extension of the quarry. Performance bonds shall be required to ensure the reclamation plan is completed. To the extent the quarry is contiguously expanded, and the reclamation is thereby deferred, the performance bonds should increase to reflect the increased land they cover.

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SECTION 6900 – MANUFACTURED & MOBILE HOMES / MOBILE HOME PARKS

Section 6901 – Manufactured & Mobile Homes / Mobile Home Parks Purpose:

Because terms for manufactured housing such as those currently listed in the Definitions tend to change over the years, the purpose and intent of the definition is to draw a distinction between dwellings that are produced and erected in assembly line style at the factory, from those stick-built dwellings in which a substantial amount of material and construction labor are brought together in final form at the foundation site. The above explanation is the spirit in which any future interpretation shall be made from this section, no matter what terms for manufactured housing are in vogue at any given time.

Section 6910 – MH District Permitted Uses:

Manufactured homes are permitted in Millcreek Township per the Ohio Revised Code. These homes are permitted in any Zoning District that permits single family residential housing, so long as they comply with all other criteria of that district. Manufactured homes must sit on a permanent foundation which is constructed around the perimeter of the house.

Section 6920 – Permanently Sited Manufactured Housing:

A permanently sited manufactured home must meet the following criteria

- a.(A) The structure is attached to a permanent foundation and is connected to facilities and utilities.
- b.(B) The structure, excluding any addition, has a width of at least 22 feet at one point and a length of 22 feet at one point.
- c.(C) It must have a total living area, excluding a garage, porch or other attachments, of at least 1,000 square feet.
- d.(D) It has a minimum of 3:12 roof pitch, conventional residential siding and a 6" minimum eave overhang including appropriate gutters.
- e.(E) It was manufactured after January 1, 1995.
- f.(F) It is not located in a mobile home park.

Section 6920 – Mobile Home Use Exception:

The Millcreek Township Board of Zoning Appeals shall also have the authority to authorize the Zoning Administrator to issue a zoning permit for a mobile home in any residential district in order to provide temporary shelter for human habitation during the construction of a permanent dwelling. The time limit for the permit shall be for one year, and renewable for a maximum of one year by the Board of Zoning Appeals, and they may apply other conditions to the permit that they may deem appropriate. Applicant must have a valid non-expired zoning permit, issued prior to the application for temporary housing. The mobile home must be removed within 30 days of permanent dwelling occupation or within 30 days of building permit expiration.

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SECTION 7000 – PLANNED UNIT DEVELOPMENT DISTRICTS

Section 7001 - Purpose of Planned Unit Development Districts:

This section is organized as authorized under Ohio Revised Code Chapter 519.12(A).

Increased urbanization and population growth creates increased demands for well organized areas which take into account unique natural features, historic preservation, contemporary land use concepts, a balanced environment, comprehensive and orderly expansion of needed infrastructure and transportation systems and balanced, sustainable fiscal growth for the community. Planned Unit Development (PUD) Districts encourage and provide a means for effectuation of a more desirable physical development pattern than would be possible through the strict application of land uses, density and dimensional requirements, but also consider the way in which land uses are executed. Each planned development district shall 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 of all types of development. Each PUD District shall be substantially consistent with the policies and goals of the Millcreek Township Comprehensive Land Use and Growth Plan.

Section 7010 – Applicability:

The provisions of this article of the Zoning Resolution may be applied only to lands of the Township that have been approved for a Zoning Map amendment to one of the following PUD Districts:

- 1-(A) Planned Residential ~~Conservation~~ District (PRCD)
- 2-(B) Planned Commercial and Office District (PCD)
- 3-(C) Planned Industrial District (PID)
- 4-(D) Planned ~~Mixed-UseTown Center~~ District (PMUTC~~D~~)

The action of the Township upon a rezoning application processed pursuant to this section shall be considered a legislative act, subject to referendum.

Section 7020 – Procedure to Secure Approval for a Planned Unit Development District:

The procedure to rezone a property to the PUD District is the procedure set forth in this Resolution. If a property is rezoned to a PUD District, the preliminary development plan and text approved by the Board of Township Trustees as a part of the rezoning shall be the zoning regulations applicable, and unique to that Planned District. The regulations for all Planned Districts are not required to be uniform but should maintain the minimum standards as set forth in this Resolution.

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Section 7030 – Planned Development District Pre-Application Meeting:

It is recommended that any developer wishing to use the PUD District shall meet with a Pre-application Review Team, appointed by the Zoning Commission, prior to the submission of a rezoning request or a Preliminary Development Plan. The purpose of such meetings is to discuss early and informally the purpose and effect of this Zoning Resolution, and the criteria and standards contained herein, and to familiarize the developer with zoning and other applicable regulations; it being understood that no statements by officials or others in such informal meetings shall be binding on either party.

All meetings of this nature shall be open to the public.

The composition of each "Review Team" shall be at the discretion of the Zoning Commission in consultation with the Township Trustees. Members of a Review Team have the ability to seek "expert" assistance deemed necessary (for example, but not limited to, dealing with questions and issues related to roadways and utilities – the Team may invite the Union County Engineer to participate).

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Section 7040 – Application and Preliminary Development Plan:

Application for rezoning of property to a planned development district shall be made by submission of the application for rezoning and at least fifteen (15) copies of a preliminary development plan and text to the Zoning Commission. The preliminary plan shall conform to the requirements for a Sketch Plan, referred to in, and prepared in accordance with, the Union County Subdivision Regulations, and any preliminary development plan and text shall be prepared and endorsed by a qualified urban planner, landscape architect, or engineer and shall include the following information presented in a general, schematic fashion drawn to a scale of at least 1" = 100'.

- a-(A) Proposed location and size of the proposed planned district;
- b-(B) Concept site plan of the proposed planned district;
- c-(C) Proposed land uses, population densities, and building intensities.
- d-(D) Proposed parks, playgrounds and other public or open spaces including woodland preservation and natural topography preservation areas with their suggested ownership.
- e-(E) Locations of stream channels, watercourses, wooded areas and buffer areas shall be designated. Existing topography and drainage patterns shall also be shown.
- f-(F) Relation to existing and future land use in surrounding area;
- g-(G) Proposed provision of water, sanitary sewers, and surface drainage;
- h-(H) Proposed traffic circulation pattern, indicating both public and private streets or highways, access points to public rights-of-ways and any off-site street improvements;
- i-(I) An analysis of the projected effects, including financial effects, the proposed development will have upon township and other governmental services, including fire, emergency, law enforcement and education;
- j-(J) Projected schedule of site development;
- k-(K) Evidence that the applicant has sufficient control over the and to carry out the proposed development;
- l-(L) Regulation text for development in the proposed planned unit development district. That text must set forth the uses to be permitted in the proposed planned unit development district and the development standards applicable to the proposed district.
- m-(M) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- n-(N) A preliminary traffic impact analysis based upon new trip generation.
- o-(O) On-site walkabout - The applicant, the Zoning Administrator, one member of the Zoning Commission and one member of the Board of Township Trustees may visit and view the site, at which time any primary and secondary conservation areas shall be identified. Members of the public in attendance wishing to walk the site shall execute a release of liability in favor of the Township, the applicant, and the property owner.
- p-(P) Narrative discussion specifically referencing each point listed in Section 7050.

After an application is filed, the Zoning Commission may request that the applicant provide such additional information concerning the proposal as necessary to clarify questions pertaining to the application.

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Section 7050 – Rezoning to Planned Unit Development District Request and Preliminary Development Plan Review:

The application for rezoning to a Planned Unit Development District and the preliminary development plan and text shall be considered and acted upon in accordance with the procedures set forth in this Resolution. The text shall be so detailed and complete as to clearly define the development proposed. The following shall be considered in reviewing the rezoning application and preliminary development plan and text:

- a.(A) Whether they are consistent with the intent and purpose of this Resolution;
- b.(B) Whether the proposed development advances the general welfare of the community and neighborhood;
- c.(C) Whether the proposed development is consistent with the policies and goals of the Millcreek Township Comprehensive Land Use and Growth Plan.
- d.(D) Whether the benefits, combination of various land uses, and interrelationship with the land used in the surrounding area justify the proposed deviation from standard district regulations;
- e.(E) Where the uses proposed will not be detrimental to present and potential surrounding area uses, but will have a beneficial effect which could not be achieved under standard district regulations;
- f.(F) Whether the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the proposed planned unit development district;
- g.(G) Whether the development will have a beneficial or an adverse affect upon township and other governmental services, including fire, emergency, law enforcement and education;
- h.(H) Whether the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development; and
- i.(I) Whether the existing and proposed utility and governmental services are adequate for the population densities and nonresidential uses proposed.
- j.(J) An anticipated schedule for the development of units to be constructed in progression and a description to the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed phase for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population; proposed retail sales area; building heights; open space; building intensity; parking areas; population density and public improvements proposed;
- k.(K) Engineering feasibility studies and schematic plans showing, as necessary, water sewer, and other utility installations, waste disposal facilities, surface drainage, street improvements; and nature and extent of earth work required for site preparation and development;
- l.(L) Site plan, showing approximate building locations(s), various functional use areas, circulation, and their relationship;
- m.(M) Preliminary building plans, including floor plans and exterior elevations with details on building materials;
- n.(N) Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained.

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Section 7060 – PUD Subsequent Use or Development of Property – Final Development Plan:

Application for approval of each phase of the subsequent use or development of property rezoned to a planned district shall be submitted to the Zoning Commission with at least fifteen (15) copies, shall contain the following documents and supporting evidence, prepared and endorsed by a qualified professional team, which shall include a licensed architect, registered land surveyor, registered civil engineer and registered landscape architect, and shall comply with the regulations applicable to that Planned District. The Final Development Plan shall be drawn to a scale of at least 1" = 100'.

- a-(A) A survey of the proposed phase, showing the dimensions and bearings of the property lines, the relationship of that phase to the planned district in which it is located, area in acres, topography, existing features of the development site, including agricultural drain tiles and their lay out, specimen trees, structures, streets, easements, utility lines, and land use;
- b-(B) A detailed development plan showing, as appropriate, the following for that phase; all the information required by items of Section 7050 on the preliminary development plan; the location and size of lots, the approximate location and proposed density of dwelling units; nonresidential building intensity; land use considered suitable for adjacent properties; and all information necessary to establish compliance with the regulation applicable to that planned district adopted pursuant to applicable sections of this Resolution;
- c-(C) Landscaping and lighting plans for streetscapes, public areas, entrance features, and any other areas for which landscaping is required by the regulations applicable to that planned district adopted pursuant to the applicable sections of this Resolution. The landscape plan shall identify typical elevations and cross sections of landscape features, with the names of plants, shrubs or trees intended to be used;
- d-(D) The various plans that make up the Final Development Plan shall bear the seal of a professional engineer, surveyor and an architect or landscape architect, each of whom shall be licensed to practice in the State of Ohio, and shall stamp their individual plans.

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Section 7070 – PUD Development Plan Application Review:

Each application for approval of subsequent use or development in a planned district shall be reviewed to determine whether the facts submitted with the application and presented at the hearings established that:

- a-(A) The proposed phase complies with the regulations applicable to the Planned Unit Development District in which it is located, as adopted pursuant to this Resolution.
- b-(B) The proposed phase can be completed within five years of the date of approval;

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Section 7080 – Planned Unit District - Action on Development Application:

Within thirty (30) days after submission of an application for approval of subsequent use or development in a PUD District, the Zoning Commission shall hold a public hearing on the application. Within thirty days after that public hearing, the Zoning Commission shall recommend to the Board of Township Trustees the disapproval, approval, or approval with modifications of the application, based on the criteria set forth in this Resolution.

▲ Within thirty (30) days after receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing on the application and the recommendation of the Zoning Commission.

▲ Within thirty (30) days of such public hearing, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification of that recommendation. The denial or modification of the recommendation of the Zoning Commission must be by ~~unanimous~~ majority vote of the Board of Township Trustees, or the recommendation of the Zoning Commission shall be deemed to be adopted by the Board of Township Trustees. The adoption, denial or adoption with modification of the application shall be effective immediately upon the action by the Board of Township Trustees; such action shall not be subject to referendum; and such action shall be subject to appeal pursuant to Chapter 2506 of the Ohio Revised Code.

Section 7090 – Planned Unit Development District – Application Approval Period:

The approval of an application for subsequent use or development of each phase of a Planned Unit Development District shall be for a period of three years to allow the preparation and recording of the required subdivision plat(s) and the development of the project.

▲ If no development has commenced to effectuate the detailed development plan within three years after approval of the application is granted, that approval shall be voided, and no further development of the land covered by that application shall be permitted unless another application for that land is approved under the procedures set forth here.

▲ An extension of time limit for an approved application may be approved by the Board of Township Trustees if it finds that such extension is not in conflict with the public interest.

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Section 7091 – PUD District - Extension or Modification of Final Development Plan:

a-(A) An extension of the time limit for the approved Final Development Plan may be granted by the Millcreek Township Zoning Commission without public hearing provided they find that such extension is not in conflict with the public interest.

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b-(B) A request for minor changes to the Final Development Plan may be approved by the Township. Requests for minor changes shall initially be made to the Township Zoning Commission, who shall make a recommendation and pass it on to the Trustees. In approving such requests, the Township may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district.

1-(1) An increase in overall ground coverage of structures;

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2-(2) An increase in the problems of traffic circulation or public utilities;

3-(3) A reduction of off-street parking and loading space;

4-(4) A reduction in required pavement widths;

c-(C) In the case of a request for a modification or amendment to the Final Development Plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial departures from the original application:

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1-(1) A change in the use or character of the development;

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2-(2) An increase in the density or overall number of dwelling units;

3-(3) A reduction in approved open space;

4-(4) A reduction of the acreage in the Planned Unit Development District.

In approving such requests, the Township may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district.

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SECTION 7100 – ~~PLANNED UNIT DEVELOPMENT DISTRICT~~PUD – OWNERSHIP AND MAINTENANCE OF OPEN SPACE

Section 7101 – Ownership of Open Space:

Different ownership and management options apply to the permanently protected common open space created through the development process. The common open space shall remain in perpetuity and may be owned as identified in Section 7102. A public land dedication, not exceeding ten percent (10%) of the total parcel size, may be required by the Township to facilitate trail or pathway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

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Section 7102 – Planned Unit Development District – Ownership Standards for Open Space:

Common open space within the development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the Township.

i.(A) Offer of dedication – The Township shall have the first offer of undivided common open space in the event said land is to be conveyed to a public agency. Dedication shall take the form of a fee simple ownership. The Township may, but is not required to accept undivided common open space provided: 1) such land is accessible to all the residents of the Township; 2) there is no cost of acquisition other than incidental costs related to the transfer of ownership; 3) the Township agrees to maintain such lands. Where the Township accepts dedication of common open space that contains improvements, the Township may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.

ii.(B) Homeowners Association – The undivided common open space and associated facilities may be held in common ownership by a Homeowners Association. The Association shall be formed and operated under the following minimum standards:

- a)(1) The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.
- b)(2) The Association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.
- c)(3) Membership in the Association is mandatory for all purchasers of homes therein and their successors.
- d)(4) The Homeowners Association shall be force funded.
- e)(5) The developer will operate the Homeowner’s Association until 90 percent of the lots in the development are occupied.

f)(6) The method for turning over the Homeowner’s Association shall be identified.

g)(7) The Association shall be responsible for maintenance of insurance and taxes on the undivided common open space. The Association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.

h)(8) The members of the Association shall share equitably the costs of maintaining and developing, where appropriate, such undivided common open space. Shares shall be defined within the association bylaws.

i)(9) In the event of transfer, within the methods herein permitted, of undivided common open space land by the Homeowners association, or the assumption of maintenance of undivided common open space land by the Township, notice of such pending action shall be given to all property owners within the development.

j)(10) The Association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided common open space.

k)(11) The Homeowners Association may lease common open lands to any other qualified person, or corporation, for operation and maintenance of common open space lands, but such lease agreement shall provide: 1) That the residents of the development shall at all times have access to the common open space lands contained therein (except croplands during the growing season); 2) That the undivided common open space shall be maintained for purposes set forth in the approved final development plan; 3) That the operation of common open space may be for the benefit of the residents only, or may be open to all residents of the Township, at the election of the developer and/or homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the Township, all residents of the Township shall have access to such identified paths/walkways; 4) The lease shall be subject to the approval of the homeowner’s association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Office of the Union County Recorders and notification shall be provided to the Township Trustees within 30 days of action by the Board.

iii.(C) Condominium Association – The undivided common open space and associated facilities may be controlled through the use of condominium agreements, approved by the Township. Such agreements shall be in conformance with all applicable laws and regulations. All undivided common open space land shall be held as a common element.

iiii.(D) Dedication of Easements – The Township may, but shall not be required to accept easements for public use of any portion or portions of undivided common open space land, title of which is to remain in ownership by condominium or homeowners associations, provided:

- a)(1) Such land is accessible to Township residents;
- b)(2) There is no cost of acquisition other than incidental transfer of ownership costs;
- c)(3) A satisfactory maintenance agreement is reached between the developer, association and the Township

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~~iv~~-(E) Transfer of Easements to a Private Conservation Organization. With the permission of the Township, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources; provided that:

~~a~~)(1) The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;

~~b~~)(2) The conveyance contains whatever provisions are agreed to between the Township Trustees, the owner and the organization.

(F) Third party ownership – With the approval of the Township, open space may be owned by a third party if protected by either: 1)

(1) ~~a~~A An open space easement which permanently and irrevocably transfers the development rights from the open space land to a homeowners or condominium association, the Township or a conservation organization; or

(2) ~~2~~ unmodifiableNon-modifiable deed restrictions that permanently restrict the use of the open space to those uses identified in the approved development plan.

~~v~~ Open space land to be transferred to a third party other than a Homeowners Association, Condominium Association or the Township shall also be located in a reserve with an open space notation on a recorded final plat.

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Section 7103 – Planned Unit Development District – Maintenance of Open Space:

(A) a. Ownership: The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under the homeowner association bylaws to place liens on the property of residents who fall delinquent in payment of dues or assessments.

(B) b. Failure to Maintain: In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the Final Development Plan, the Township Trustees may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township Trustees may modify the terms of the original notice, add to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said (30) days or any extension thereof, the Township Trustees may pursue the enforcement as a zoning violation.

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SECTION 7200 – PLANNED CONSERVATION RESIDENTIAL DISTRICT (PCRD)

Section 7201 – Purpose:

Section 7201 – Overview of Planned Conservation Residential District:

PCRDs permanently preserve and integrate open space within residential developments; offer landowners alternatives to standard tract development of their land; establish a less sprawling, more efficient use of land, streets and utilities; preserve natural topography in wooded areas; create usable and accessible open space, recreational areas, and green corridors for wildlife, walking trails and/or bike paths; and encourage creativity in design through a controlled process of review and approval of the development plan and related documents.

Minimum development size = 40 acres

Section 7210 – Planned Conservation Residential District Permitted Uses:

- a. Single family detached residential dwelling units
- b. Common wall single family attached dwelling units
- c. Two family dwellings
- d. Multi family dwellings, provided they comprise no more than 20% of the total allowable density
- e. Nonresidential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Planned Residential District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.
- f. Public or Private golf courses, country clubs, fishing lakes or similar recreational uses with all buildings and club houses incident thereto including restaurant to serve members and/or users of the facility.
- g. Temporary structures such as mobile office and temporary buildings of a nonresidential character may be used incident to construction work on the premises, or on adjacent public projects, or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Administrator on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Administrator may require provisions for sanitary waste disposal and water supply, as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed no later than ten (10) days after expiration of said
- h. Active recreation areas— Upon approval of the final development plan by the Township, the following types of activities are permitted within open space, including but not limited to: bocce, baseball, basketball, softball, football, volleyball, badminton, golf, soccer, swimming, tennis, ice or roller skating, rollerblading, skateboarding, Frisbee, bird watching, horseshoes, canoeing, rowing, jogging, walking, gardening, and bicycling. If open space is intended to be used as a commercial venture, it shall be so stated in the development plan and approved by the Township. All open space lands shall be permanently owned as provided in Section 7102.
- i. Accessory service buildings and structures incidental and pertinent to permitted uses above. Accessory service buildings must be necessary to the pursuit of a permitted recreational use on the premises.
- j. Natural (open space) areas— These areas may also include passive recreational uses such as fishing, swimming, hiking, canoeing, and such other recreation that does not alter any of the natural features of the area. Agriculture may be used as natural open space, provided it does not permit hog operations, poultry, fur bearing farms, or feed lots.

Section 7220 – PCRD Conditional Uses:

Within the PCRD district, the following uses may be conditionally permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals (BZA) pursuant to the provisions of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one (1) year from the date of BZA approval or are discontinued for a period in excess of two (2) years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and or structure wherein the same is located or upon which the same is granted shall void the conditional use permit, and the subsequent owner(s) or his/her agent shall be required to apply for a continuation and/or modification of such use(s) to the BZA. A designation by the BZA that a permit is permanent and shall run with the land does not affect the right of authorities to seek redress for

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failure to comply with conditions imposed. No conditional use shall be implemented until a conditional use permit is issued by the Zoning Administrator.

~~a. Home Occupations, which are clearly incidental and secondary to residential use, conducted by the resident of a permitted dwelling.~~

~~b. Group homes or residential care facilities in which not more than six (6) persons are provided with room, board, specialized care, rehabilitative services, and supervision in a family environment. All such facilities shall have all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary, the following conditions shall be imposed by the Board of Zoning Appeals:~~

- ~~1) The facility shall comply with Development Standards.~~
- ~~2) No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.~~
- ~~3) No Group Home should be located within a one (1) mile radius of another such facility.~~

~~c. Model Homes, the same being defined as residential type structures used as sales offices by builders/developers and to display the builder's/developer's product. The same may be furnished within, since its purpose is to display to prospective buyers the builder's/developer's features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor covering, etc.) in the environment of a completed home. Model homes may be staffed by the builder's/developer's sales force. Model homes shall be subject to the following restrictions:~~

- ~~1. Hours of operation: All model homes shall be closed between 9:00 P.M. and 9:00 A.M.~~
- ~~2. Lighting: All exterior lighting must be down lighting, so that no light shall be cast onto adjoining residential properties. All off street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home.~~
- ~~3. Parking: All model homes shall provide off street paved parking for the public. Such off street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home.~~
- ~~4. Screening and trash receptacles: Landscape drawing shall be required and shall show adequate landscape and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.~~
- ~~5. Termination of use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety percent of the lots therein.~~

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~~Section 7230 – PCRD – Designing a Conservation Development:~~

~~A Conservation Development is an open space development designed in accordance with the following suggested process and guidelines.~~

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~~Section 7231 – PCRD – Designing a Conservation Development Suggested Design Process:~~

- ~~1. Delineate primary conservation areas and preserve as natural open space.~~
- ~~2. Delineate secondary conservation areas; preserve selected areas as common (improved) or natural open space.~~
- ~~3. Draw house footprints outside the conservation areas.~~
- ~~4. Draw the number of houses based upon the permitted density calculations, with lot lines.~~

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~~Section 7232 – PCRD – Designing a Conservation Development Suggested Design Guidelines:~~

- ~~1. In order to reduce visual impact, dwellings should typically be located along the edges rather than in the center of open fields if they will be seen from existing public roads. Avoid new construction on prominent hilltops or ridges.~~
- ~~2. Front dwellings on internal roads, not on external roads.~~
- ~~3. 75% or more of the total number of house lots should have a direct view of common open space.~~
- ~~4. Retain or replant native vegetation adjacent to wetlands and surface waters.~~
- ~~5. Preserve existing hedge and tree lines to the extent practicable.~~
- ~~6. Preserve scenic views and vistas.~~
- ~~7. Protect wildlife habitat areas of species listed as endangered, threatened, or of special concern by the Ohio Department of Natural Resources.~~
- ~~8. Preserve historic or archaeological sites (i.e. earthworks, burial grounds).~~
- ~~9. Landscape or retain vegetation in common areas with native trees and shrubs.~~
- ~~10. Place shade trees along internal roads at fifty foot intervals on at least one side of the road.~~
- ~~11. Provide active recreational areas in suitable locations.~~
- ~~12. Include a viable pedestrian circulation system, meaning a minimum of a five foot wide asphalt bike and walking path throughout the development.~~
- ~~13. Protect natural drainage swales and creeks. No filling and construction inside the 100-year floodplain or within one hundred feet (100') of the centerline of perennial streams and seventy five feet (75') of the centerline of intermittent streams and agricultural drainage ditches.~~
- ~~14. Provide permanent open space.~~

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~~Section 7240 – Additional Procedures to Rezone to a Planned Conservation Residential District:~~

- ~~1. Existing features map. Prepare an Existing Features (Site Analysis) Map.~~
- ~~2. Submit existing features (Site Analysis) map without fee. The applicant shall submit the existing features (site analysis) map for a tract(s) of land to be considered as a conservation subdivision with the Millcreek Township Zoning Commission, and schedule an agreeable time to jointly visit the site for an on-site walkabout.~~
- ~~3. On site walkabout. The applicant, the Zoning Administrator, one member of the Zoning Commission and one member of the Board of Township Trustees may visit and view the site, at which time the primary and secondary conservation areas shall be identified. Members of the public in attendance wishing to walk the site shall execute a release of liability in favor of the Township, the applicant, and the property owner.~~
- ~~4. Conceptual Development Plan. At the completion of the on-site walkabout a conceptual development plan should be quickly sketched on the existing features (site analysis) map by the applicant or his consultant for impromptu comments from those in attendance. Based upon such comments, a preliminary development plan can be prepared for public hearing. No binding decisions or votes are made at the on-site walkabout. Following preparation of the conceptual development plan, the applicant may proceed to prepare and submit a formal application and preliminary development plan.~~

~~Section 7250 – PCRD Development Plan Standards:~~

~~Minimum tract size – 40~~

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Section 7251—PCRD Development Plan Standards—Open Space:

1. ~~At least fifty percent (50%) of the gross tract acreage shall be designated as permanent open space, not to be further developed, unless an exception is granted by the Township.~~
2. ~~Open space locations and uses shall be identified on the preliminary development plan and shall be subject to the approval of the Township.~~
3. ~~Open space shall be owned, administered and maintained as identified on the preliminary development plan.~~
4. ~~With prior consent through Resolution of the Board of Trustees of Millcreek Township, land may be transferred to the Township for public purposes if approved as a part of the final development plan. Uses of land transferred to the Township for public purposes must be approved as a part of the final development plan and may include, but are not limited to, trails and active recreation areas. The decision whether to accept an applicant's offer to dedicate open space for public use shall be at the discretion of the Township Trustees. Land dedicated to public purposes may count toward the open space requirement if approved on the preliminary development plan.~~
5. ~~At least fifteen percent (15%) of the minimum required open space shall be suitable for active recreation purposes in order to preserve a reasonable proportion of natural open space on the site, but no more than fifty percent (50%) of the total open space preserved may be shall be utilized for active recreational purpose.~~
6. ~~The preliminary development plan shall specify the purposes for which open space areas are proposed. Any recreational facilities proposed to be constructed within open space areas shall be clearly shown on the preliminary development plan. In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included.~~
7. ~~The required open space may be used for underground drainage fields for individual or community septic systems as approved per the preliminary development plan and with the permission of the Union County Health Department.~~
8. ~~Primary conservation areas, plus storm water management detention/retention ponds, plus constructed wetlands acting as detention basins, plus sewage treatment areas may count in their combined aggregate for up to 50% of the required open space.~~
9. ~~Any area of natural open space that is proposed to be disturbed during construction or otherwise not preserved in its natural state shall be shown on the preliminary development plan and, if required, shall be restored with vegetation that is compatible with the natural characteristics of the site. The method and timing of any restoration shall be set forth in the final development plan.~~

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~~Section 7252 – PCRD Development Standards – Determining the number of dwelling units permitted, and density exception;~~

~~The number of dwelling units is dependent on the provision of centralized sanitary sewer as defined as follows:~~

- ~~1. For land not serviced by centralized sewer, multiply the number of gross acres times sixty six hundredths (0.66) dwelling unit per gross acre to obtain the maximum number of permitted dwelling units. Provide 50% of the gross acreage in permanent open space.~~
- ~~2. For land served by centralized sanitary sewer, multiply the gross acreage to be developed by one and a three quarters (1.75) dwelling units per gross acre to obtain the maximum number of dwelling units permitted. Provide 50% of the gross acreage in open space.~~
- ~~3. Density Exception: For land served by centralized sanitary sewer and where the existing features (site analysis) map shows that the sum of all steep slopes, floodplains, wetlands, and/or overhead electric transmission line easements comprises less than 10% of the gross land acreage, the Township shall allow a density exception to a maximum of (0.85) dwelling units per gross acre with 40% of the gross acreage in open space, in return for which the applicant shall commit to the reforestation, seeding of native plants and creation of ponds in these open spaces. This additional density is granted in order to offset the costs of reforestation, plantings, water features, re-grading and exceptional horticultural techniques needed to recreate adequate natural landscape buffers, and secondary conservation areas that do not exist naturally in order to meet the intent of a conservation subdivision.~~

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~~Section 7253 – PCRD Development Standards – Sewage Disposal:~~

~~For centralized sanitary sewer usage, a feasibility letter shall be provided by the appropriate service provider (City of Marysville, Union County, etc) indicating that sewer service is available with the capacity needed. For sites not served by public centralized sewer, sewage disposal feasibility shall be demonstrated by letter from either the Union County Health Department or the Ohio EPA.~~

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~~Section 7254 – PCRD Development Standards – Perimeter Setback:~~

~~No building shall be constructed within 50 feet of the external boundary of the conservation subdivision.~~

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~~Section 7255 – PCRD Development Standards – Pavement Standards for Parking Lots:~~

~~Parking lots and private driveways do not have to meet street cross sectional standards, but parking lot drive aisles that connect to the public streets shall be constructed to public street cross sectional and design life standards within 50 feet of the edge of the public paved road.~~

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~~Section 7256 – PCRD Development Standards – Paths:~~

~~A five foot wide asphalt covered walking or bike path is required for conservation subdivisions of more than 15 lots. Paths shall be separated from the paved street surface by at least five feet (5') of landscaped or grassed strip. The Township may require paved or unpaved walkways to connect residential areas and open spaces.~~

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~~Section 7257—PCRD Development Standards—Street Trees:~~

~~Deciduous, broad leaf street trees with a minimum caliper of three inches (3”) at planting shall be planted (or retained) at least every fifty (50) lineal feet along at least one side of the street(s).~~

- ~~a. Minimum front setbacks: Dwelling Units and garages shall be set back a minimum of forty (40) feet from the street right-of-way.~~
- ~~b. Minimum lot size: Twelve thousand (12,000) square feet for single family detached dwellings on fee simple ownership lots, or as otherwise approved on the final development plan. Attached dwelling units or detached condominiums as approved per the final development plan.~~
- ~~c. Minimum lot width at the building line: There should be a variety of lot widths for the single family lots in the development. However, no single family lot width may be less than 60 feet and at least 20% of the single family lots should have widths of at least 100’ or more.~~
- ~~d. Minimum side yards: Twelve and one half (12 ½) feet each side for single family and common wall single family units and their garages, with no encroachments. For multi family or non residential structures the minimum separation between buildings units shall be thirty (30) feet.~~
- ~~e. Driveway Setbacks: Two feet from side lot line. Side load garages shall provide at least 24 feet of paved apron, exclusive of the 2 foot side lot line for single family detached dwellings on fee simple ownership lots. Attached units or detached condominiums as approved per the final development plan.~~
- ~~f. Minimum Rear Yard: 30 feet for single family detached dwellings on fee simple ownership lots and attached garages. Fifteen (15) feet for accessory buildings. Attached units or detached condominiums as approved per the final development plan.~~
- ~~g. Building Height Requirement: No principal building in this district shall exceed thirty five (35) feet in height.~~
- ~~h. Minimum Dwelling Unit Floor Area: Fourteen hundred (1,400) square feet per dwelling unit.~~
- ~~i. Landscaping: All yards, front, side and rear, shall be landscaped. All improved common open space shall be landscaped per the approved development plan. A landscape plan for the common open space and streetscape within road right-of-way shall be prepared by a licensed landscape architect showing the caliper, height, numbers, name and placement of all material, and shall be submitted with and approved as a part of the Final Development Plan.~~
- ~~j. Other Requirements: Unless specifically supplemented by the standards contained in Article IX, or those standards approved by divergence in the development plan, the development shall comply with all the General Development Standards applicable to all zoning districts as set forth in this Resolution.~~

~~Section 11.01 PURPOSE: The Planned Residential District (PRD) is a Planned Unit Development district adopted pursuant to Ohio Revised Code 519.021 (A) and is intended to provide flexibility in the arrangement, design, lot size and setbacks of primarily single family dwellings based on a unified development plan. PRDs are intended for those areas of the township with centralized water and sewer that are also recommended for densities of up to 3.0 dwelling units per acre on the adopted Comprehensive Plan. Natural features such as topography, woodlands, wetlands, bodies of water, floodplains and drainage ways should be maintained in a natural state as much as possible to maintain a rural character. Open space is a major component of such a unified development plan. The objectives of the Planned Residential Development District include:~~

~~a.) To encourage creativity in residential neighborhood design through a controlled process of review and approval of particular site development plans that preserve open space, protect ravines, woodlands, wetlands and floodplains;~~

~~—To encourage creativity in residential neighborhood design through a controlled process of review and approval of particular site development plans that preserve open space, protect ravines, woodlands, wetlands and floodplains;~~

~~(A) b.)~~

~~(B) To encourage development that makes more efficient use of land, and requires shorter networks of streets and utilities;~~

~~(C) c.) To integrate and provide useable and accessible open space and recreation in close proximity to residential dwelling units;~~

~~(D) d.) To use permanent open space as the centerpiece of residential developments.~~

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(E) ~~e.)~~To permit appropriate densities in areas that have access to centralized water and sanitary sewer, while protecting natural resources via clustering of houses;

(F) ~~f.)~~To provide a variety of housing options.

Section 7202 – Density:

~~Section 11.02 – DENSITY:~~ The permitted density (the number of dwelling units in the proposed PRD), is determined by multiplying the Net Developable Area for the development tract by 3.0 units per Net Developable acre. Land dedicated to and accepted for public use (school, fire station, park, etc.) may be included in the net developable area for density calculations, provided building footprints on the public dedication tract comprise less than 30% of its land area. The density of the PRD shall not exceed the recommended density for the tract on the adopted Millcreek Township Comprehensive Plan. The density of any one sub-area in the PRD may exceed 3.0 units per acre so long as the total density for the entire PRD development tract does not exceed 3.0 units per Net Developable acre.

Section 7203 – Permitted Uses:

~~For purposes of this Zoning Resolution, “Net Developable Area” means deducting from the gross acreage:~~

- ~~1. 15% of the gross acreage for streets and utilities;~~
- ~~2. Jurisdictional wetlands as defined in US Army Corps of Engineers’ Corps of Engineers Wetlands Delineation Manual;~~
- ~~3. Floodplains within a FEMA 100 year floodplain;~~
- ~~4. Slopes greater than 20%, including ravines;~~
- ~~5. Utility rights of way and easements for above ground and currently existing utility structures, such as above ground pipelines and existing overhead electric transmission (not local service) wires;~~
- ~~6. Existing bodies of water.~~

~~(A) Section 11.03 PERMITTED USES:~~ Within the Planned Residential District (PRD) the following uses, when developed in strict compliance with the approved development plan and standards, may be permitted. The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

(B) ~~1.)~~ Single family (detached) residential dwellings.

(C) ~~2.)~~ Attached single family (attached by a common vertical firewall, such as townhouses, or patio homes) residential owner occupied dwellings in groupings of up to four attached units, so long as such attached units do not comprise more than five (5%) of the total number of residential units in the PRD.

(D) ~~3.)~~ Multi-family dwellings, so long as such Multi-Family units do not comprise more than ten (10%) of the total number of residential units in the PRD.

(E) ~~4.)~~ Common Open Space-Upon approval of the final development plan by the township, the following open space types may be permitted:

- (1) ~~a.)~~ Maintained Passive Open Space
- (2) ~~b.)~~ Recreational Open Space

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(3) ~~e.~~ Unmaintained Passive Open Space

For purposes of this Zoning Resolution, the above are defined as follows:

(F) ~~5.~~ Non-residential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the PRD development, so long as no more than five (5) acres of the total PRD are dedicated to such uses. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to major thoroughfares as to permit access without burdening residential streets.

(G) ~~6.~~ Schools with adequate area as approved per plan for indoor and outdoor recreation, parking and additional setbacks as may be necessary to avoid disruption to adjacent residences.

Section 7204 – Accessory Uses:

Section 11.04 ACCESSORY USES:

(A) ~~1.~~ Temporary structures such as mobile office and temporary buildings of a nonresidential character may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than two (2) times, for a total of eighteen (18) months. Renewal of the permit shall be at the discretion of the Zoning Administrator on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Administrator may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he/she deems necessary. The fees for such permit and the fees for renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed no later than ten (10) days after expiration of said permit.

(B) ~~2.~~ Conducting of casual sale of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days. The sale and parking area shall be out of the road right-of-way so as not to interfere with traffic on adjacent thoroughfares.

(C) ~~3.~~ Home Occupation as provided in Section 10023.

(D) ~~4.~~ Model Homes, defined as residential-type structures used as sales offices by builders/developers and to display the builder's/developer's product. The same may be furnished within, since its purpose is to display to prospective buyers the builder/developer features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor coverings, etc.), in the environment of a completed home. Model homes may be staffed by the builder/developer sales force. Permits for model homes shall be reviewed by the Board of Zoning Appeals in order to ensure compliance with the following restrictions:

a.) Lighting: All exterior lighting, except for security lighting, must be down-lighting, so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting, except for security lighting, shall be extinguished at the closing time of the model home.

(1) b.) Parking: All model homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) parking spaces.

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~~c.) Screening and Trash Receptacles: Landscape drawing shall be required and show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home.~~

~~(3) d.) Termination of Use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase, contiguous subdivision, shall terminate when building permits have been issued for ninety percent (90%) of the lots or after the expiration of five (5) years, whichever occurs first.~~

~~(4) e.) Model Home Signs: The Board of Zoning Appeals may approve model home signs provided the following conditions are met:~~

~~1.) The sign shall not exceed 16 (sixteen) square feet per side with 32 (thirty two) square feet maximum total display area;~~

~~(a) 2.) The overall height of the sign shall be no more than four (4) feet above grade.~~

~~(b) 3.) Model home sign shall be located on the same lot as the model home.~~

~~(c) 4.) If sign information is not presented at the time the development is submitted and approved, the applicant will apply for a conditional use permit to the Board of Zoning Appeals, which will rule on additional sign conditions.~~

Section 7205 – Conditional Uses:

Section 11.05 CONDITIONAL USES:

Unless approved as a part of the PRD development text, the Board of Zoning Appeals may approve the following conditional uses within a PRD, provided the established standards for a conditional use as set forth in Section 4250 of the code are met:

~~1.) Telecommunication towers pursuant to Article XIV of this Zoning~~

~~(A) Resolution;~~

~~(B) 2.) A nursing home, rest home, or home for the aging as defined in ORC 3721.01.~~

~~(C) 3.) A child day care administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than the parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home.~~

Section 7206 – Prohibited Uses:

Section 11.06 PROHIBITED USES:

~~(A) 1.) Uses not specifically authorized by the express terms of this Article of the zoning resolution shall be prohibited.~~

~~(B) 2.) Outdoor storage of inoperable or unlicensed vehicles or inoperable or unlicensed trailers, for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.~~

~~(C) 3.) No trailer of any type, no boats, no motor homes nor equipment of any type shall be parked in front of the building line on any parcel within this district for more than forty-eight hours in any seven (7) day period. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.~~

~~(D) 4.) No motor home, mobile home or camper of any type may be occupied by a guest of the resident/owner.~~

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(E) ~~5.)~~ Except for permanently sited manufactured housing as may be approved in the development plan, no manufactured housing or mobile home shall be placed or occupied in this district.

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(F) ~~6.)~~ Agricultural uses and/or activities are prohibited in subdivisions that meet the requirements of Ohio Revised Code section 519.21.

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(G) ~~7.)~~ No trash, debris, unused property, or discarded materials which creates an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate on any lot or portion thereof for a period exceed seven (7) days.

~~Section 7207 – Initial Discussions – Concept Stage: 11.07 INITIAL DISCUSSIONS – CONCEPT STAGE:~~

The applicant is encouraged to engage in informal consultations with the Millcreek Township Zoning Commission and Millcreek Board of Township Trustees prior to formal submission of a development plan and application to amend the zoning map. Simultaneous with Concept Stage discussions, it is recommended that the applicant schedule a walkabout on the site with the Zoning Commission and the Board of Trustees to familiarize all parties with the lay of the land, and the general design intent. No statement by officials of the Township shall be binding at the concept stage. In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to PRD shall follow the procedures herein.

~~Section 7208 – Required Design Standards:~~

~~Section 11.08 REQUIRED DESIGN STANDARDS:~~ PRD developments shall incorporate the following design standards:

(A) ~~1.)~~ Minimum PRD tract size - 20 acres, unless adjacent to another PRD, in which case the Zoning Commission may permit the tract size to be reduced to 10 acres.

(B) ~~2.)~~ Open Space - Open space shall be distributed throughout the development as part of a unified open space system which shall serve to unify the development visually and functionally, and buffer surrounding land uses. A minimum of 30% of the gross acreage shall be dedicated open space, with a minimum of 15% of the gross acreage being Recreational Open Space and a minimum of 15% of the gross acreage being Maintained or Unmaintained Passive Open Space. In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included. In calculating Open Space, environmentally sensitive areas deleted from the Net Developable Area such as wetlands, floodplains, slopes greater than 20% and utility easements may count for up to 50% of the required Open Space.

(C) ~~3.)~~ Perimeter PRD Setback - 50 feet from property lines.

(D) ~~4.)~~ Storm Water- Open spaces may be used for the natural disposal of storm water drainage. No features should be designed which are likely to cause erosion or flooding. Retention ponds and constructed wetlands as detention basins are preferred over plain detention basins.

(E) ~~5.)~~ Subdivision standards - Improvements within the PRD shall conform to the subdivision standards for Union County Ohio.

(F) ~~6.)~~ Natural area preservation - Wetlands, steep (over 25%) slopes, forests, 100 year floodplains, ravines should be preserved to the greatest extent possible. Foliage should be retained where practicable.

(G) ~~7.)~~ Floodplains - No residential dwelling structures shall be constructed within the 100-year floodplain of any stream or river and no residential dwelling shall be constructed within 250 feet of a stream bank. All other floodplain standards set forth in Article X, Section 10400-10800 of this Zoning Resolution shall be met.

(H) ~~8.)~~ Architecture - The project architect shall give due regard to the footprints, building orientation, massing, roof shape, pitch and exterior materials to blend with other traditional or historic architecture in the community or with the site. Four-sided architecture is required.

(I) ~~9.)~~ Sidewalks - A network of paved sidewalks, walking paths and bicycle paths shall be provided. Where located parallel to the roads, sidewalks shall be separated from the street pavement by at least a 5 feet landscaped or grassed strip. Walking paths may be located per plan. The Zoning Commission may require paved walkways to connect residential areas and open spaces.

- (J) ~~10.)~~ Streets – Streets shall meet Union County road standards, regardless of whether roads are private or public.
- (K) ~~11.)~~ Street Trees - Deciduous, broad leaf street trees, if required by the Zoning ~~Commission, Commission,~~ shall be placed one for every 50 feet of lineal road frontage.
- (L) ~~12.)~~ Minimum Front Setbacks - Houses, 40 feet from the street right of way, or as approved per plan. Front load garages shall setback at least 50 feet from the street right of way. Notwithstanding the foregoing, front load garages shall not be closer to the street right of way than the main house structure. Variation in front setbacks is encouraged.
- (M) ~~13.)~~ Minimum lot size: --15,000 square feet for single family detached dwellings.
- (N) ~~14.)~~ Minimum Lot Width at the building line - 80' for single family detached houses.
- ~~15.)~~ Minimum Side yards - 12 ½ feet each side (25' between structures), with no encroachments, including chimneys, air conditioning units, etc.
- (O) ~~16.)~~ Driveway Setbacks - Three feet from side lot line. Side-load garages shall provide at least 20 feet of paved apron, exclusive of the 3' setback.
- (Q) ~~17.)~~ Minimum Rear yard - 30' for houses, 20' for detached garages, or as otherwise approved on the PRD development plan.
- (R) ~~18.)~~ Streets - Street layouts should be looped or grid to create an interconnected road network. Dead end streets should be avoided, except where severe topography or other physical condition prevents connection.
- (S) ~~19.)~~ Building Height Limits - No buildings in this district shall exceed thirty-five feet (35') in height measured from the elevation of the threshold plate at the front door to the highest point of the roof. Notwithstanding the foregoing, chimneys, silos, grain handling conveyors, church spires, domes, flag poles, windmills, antennas, or towers may exceed thirty-five feet in height, however such structures shall not be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract and in no event shall exceed one hundred (100) feet in height.
- (T) ~~20.)~~ Building Dimensions - (Floor space requirements)
- (1) ~~a.)~~ Each detached single family dwelling hereafter erected in this district shall have a living area not less than one-thousand four hundred (1,400) square feet or one thousand (1,000) square feet of ground floor living area, —if the residence is multi-story. All such living areas shall be exclusive of basements, porches or garages.
- (2) ~~b.)~~ All attached single family or multi family structures constructed within a PRD shall contain the following minimum living area, or as approved per plan:
- (a) One (1) bedroom unit- 1,000 square feet
- (b) Two (2) bedroom unit- 1,100 square feet
- (c) Three (3) bedroom unit - 1,200 square feet
- (d) Four (4) or more bedroom unit – 1,400 square feet
- (U) ~~21.)~~ Landscaping- All yards, front, side and rear, shall be landscaped, and all organized open spaces or non-residential use areas shall be landscaped and shall meet the landscape standards set forth in Article XIII, unless a variation from these standards is specifically approved as part of the Final Development Plan. A landscape plan showing the caliper, height, numbers, name and placement of all material, prepared by a licensed landscape architect shall be approved as a part of the Final Development Plan.

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(V) 22.) Parking- Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan, the provisions of Article XII of this Resolution shall be incorporated unless specific divergence is approved.

(W) 23.) Signs- Except as provided under the provisions of this article for home occupations or as controlled by Article XI (Signs) of this Resolution and except as permitted by the Board of Zoning Appeals incidental to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet of advertising area on each side. If approved as part of the PRD development plan, the owner or developer of a subdivision or similar area, upon the conditions and for the time period established by the Zoning Commission, may erect one (1) sign not exceeding thirty-two (32) square feet of advertising area per side advertising said subdivision, development or tract for sale. Signs and the surrounding area (including any landscape bed) shall be well-maintained.

(X) 24.) Exterior Lighting- All exterior lighting shall be as specifically approved as part of the final development plan.

(Y) 25.) Common Open Space- A minimum of thirty (30%) of the gross acreage within a Planned Residential Development shall be required to be common open space, available to all residents or users of the Planned Development. The common open space shall be subject to the following additional criteria:

- (1) a.) The location, shape, size and character of common open space shall be suitable for the planned development in relation to the location, number and types of buildings it is intended to serve. In any case, it shall be highly accessible to all residents or users of the planned development.
- (2) b.) The common open space shall be for the use and enjoyment of the owners and occupants of the individual building sites of the development and shall be accessible to all such owners and occupants. Any uses and/or buildings authorized for the common open space must be appropriate to the scale and character of the planned development in relation to its size, density, expected population, topography, and the type of dwellings.
- (3) c.) The common open space may be suitably improved for its intended use, but common open space containing natural features worthy of preservation shall be left unimproved. The buildings, structures, and improvements that are permitted in the common open space must be appropriate to the uses that are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
- (4) d.) The proposed common open space may be conveyed to a public authority that will agree to maintain the common open space and any buildings, structures or improvements that have been placed on it. All land dedicated to the public must meet the requirements of the appropriate authority as to size, shape, and location. Public utility or other similar easements and right of way for water courses or other similar channels are not acceptable for common open space dedication unless such land or right of way is usable as a trail or other similar purpose and approved by the authority to which the land is dedicated.
- (5) e.) The proposed common open space may be conveyed to an owners' association or similar organization formed for the maintenance of the planned development. The common open space must be conveyed by covenants under such an arrangement subject to approval by the Zoning Commission. Such covenants shall restrict the common open space to the uses specified in the Development Plan and provide for the maintenance of common open space in a manner, which assures its continuing use for its intended purpose. Membership in the owners' association shall, by deed restriction, be mandatory for any owner within the planned development.
- (6) f.) If the proposed common open space is not conveyed to a public authority or to an owners' association it must be deeded in title to a fiduciary which, for a fee, acts as a trustee for the benefit of all owners and occupants of the planned development. The trustee shall give easements across the open space and the right to use the facilities to all owners and occupants of planned development. The trustee shall be provided the right to charge and lien each property of its proportionate share of upkeep costs for the common facilities.

(Z) 26.) Emergency warning sirens shall be installed within the development.

(AA) 27.) Supplemental Conditions and Safeguards - The Millcreek Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public

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improvements to be installed, landscaping, development, improvement and maintenance of common open space, and any other pertinent development characteristics.

~~(BB) 28.)~~ Divergences - The Township, as a part of either preliminary or final development plan approval, may grant divergences from any standard or requirement in this Article that is noted "as approved per plan." An applicant requesting a divergence shall specifically list each divergence on the preliminary and final development plan submittals and shall provide written justification of such requested divergence.

Section 7209 – Application Procedure:

~~Section 11.09 APPLICATION PROCEDURE:~~ The applicant, being the owner of subject real estate, may apply one of two ways (either A or B).

~~(A) A-~~ File Preliminary and final development plans separately

~~(1) 1-~~ Step one- Apply for a Zoning Map amendment to designate the land as a PRD and submit a Preliminary Development Plan with the application. If the application is approved, then the Zoning Map is amended to PRD. (This is a legislative act and is subject to referendum).

~~(2) 2-~~ Step Two- Once an application for a Zoning Map amendment to PRD has been approved, the applicant submits and seeks approval of a Final Development Plan. Unless simultaneously adopted as part of the Zoning Map change, the subsequent approval or disapproval of the Final Development Plan is an administrative act by the Township (not subject to referendum), but is subject to the review and approval by the Township for appropriateness.

~~(B) B-~~ Simultaneous Application for Zoning Map Amendment and Approval of the Final Development Plan

~~(1) 1-~~ The applicant, being an owner of real estate, may apply for a Zoning Map amendment to designate the land as a PRD and simultaneously submit, along with the application for the zoning change, a Final Development Plan acceptable to the township and in accordance with the Final Development Plan standards set forth herein. (This is a legislative act and is subject to referendum).

Section 7210 – Required Findings for Approval of a Planned Residential Development:

~~Section 11.10 REQUIRED FINDINGS FOR APPROVAL OF A PLANNED RESIDENTIAL DEVELOPMENT:~~ The Zoning Commission and Trustees may approve an application to rezone property to the Planned Residential Development District provided they find that the proposed use complies with all of the following requirements:

~~(A) A-~~ That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.

~~(B) B-~~ That the proposed development is in conformity with the Comprehensive Plan or portion thereof as it may apply.

~~(C) C-~~ That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.

~~(D) D-~~ That the proposed plan meets all of the design features required in this Resolution.

~~(E) E-~~ That the proposed development is in keeping with the existing land use character and physical development potential of the area.

~~(F) F-~~ That the proposed development will be compatible in appearance with surrounding land uses.

~~(G) G-~~ That the development promotes greater efficiency in providing public utility services and encouraging innovation in the planning and building of all types of development.

Section 7211 – Effect of PRD Zoning:

~~Section 11.11 EFFECT OF PRD ZONING:~~ Upon approval of the PRD district, all previous regulations shall no longer be in effect, and the regulations for the PRD shall prevail.

Section 7212 – Preliminary Development Plan:

Section 11.12 DEVELOPMENT PLANS

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1.) Preliminary Development Application—Upon application for a PRD, the owner(s) of lots or land within the Township shall simultaneously submit a preliminary development plan. The preliminary development plan shall show the intended layout of the site in accordance with PRD standards

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(A) 15.) Fifteen (15) copies of the preliminary development plan shall be submitted to the Zoning Commission with the PRD application. The plan shall include in text and map form, the following:

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(1) 1.) The proposed size and location of the PRD district, at a scale of at least 1" = 200', showing topographic contours of at least 5' intervals, existing and proposed structures, structures within 200' of the development tract.

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(2) 2.) Location of environmentally sensitive areas such as the 100 year floodplain, wetlands, slopes greater than 20%, forests and heavily wooded areas. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Union County.

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(3) 3.) Permitted density calculations.

(4) 4.) The intended general provisions for fire hydrants and surface drainage, to the extent known. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented.

(5) 5.) Water supply, sanitary sewage disposal feasibility, gas supply and electric supply shall be indicated in writing by the appropriate agency at the time of the preliminary plan.

(6) 6.) The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights of way, proposed drainage and public utilities.

(7) 7.) A design of the open space and proposed description of its use and maintenance.

(8) 8.) Proposed public land dedications.

(9) 9.) Specific statements of requested divergences from the development standards in this article or other articles in this resolution.

(10) 10.) A traffic impact analysis by a competent traffic engineer acceptable to the Union County Engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.

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(11) 11.) Required Design Standard items 1-4, 6-7,12-17, and 23 from Section 11.08.

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(12) 12.) Emergency service provisions (letter from Fire and Police departments).

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(13) 13.) General phasing plans, if any, including density calculations by phase.

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(14) 14.) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.

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(15) 15.) Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These are specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township. Materials and colors shall be submitted for approval.

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(16) 16.) A lighting plan identifying location, size and spillage for all street and exterior lighting.

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~~(17) 17)~~ An economic impact statement setting forth the financial impact of the proposed PRD on the Township, the school district and Union County.

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~~(B) 17)~~ Supplemental Conditions and Safeguards: The Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics and may request such additional documentation and/or exhibits as the Township Zoning Commission deems necessary to evaluate the preliminary development plan.

~~(C) 18)~~ Additional Fees: The Board of Trustees may elect to retain the services of outside consultants, such as lawyers, architects, engineers, and planners, to assist in the review of a PRD preliminary development plan. To the extent such consultants are retained, the applicant shall be obligated to reimburse the Township for all such out-of-pocket expenses incurred in the processing of the application and review of the PRD preliminary development plan.

~~(D) 19)~~ Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PRD property, the applicant must submit an affidavit from each property owner within the PRD stating that the applicant may act as the owner's agent to submit the PRD application. Said affidavits shall expire after six (6) months and new affidavits shall be submitted by the applicant at the request of the Township.

Section 7213 – Final Development Plan:

~~2.) Final Development Plan~~—The applicant shall submit fifteen (15) copies of the final development plan with the application. The review and approval of the Final Development Plan is an administrative act, not subject to referendum unless the final development plan is simultaneously submitted with application for the zoning change. If there is substantial deviation from the approved preliminary development plan, the final development plan shall state the areas of divergence. The final development plan shall include in text and map form the following:

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~~(A) a.)~~ A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed PRD development.

~~(B) b.)~~ The plan shall be to scale of at least 1" =100' and will show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, all required design features, and the following:

- ~~(1) 1.)~~ All design standards from Article IX.
- ~~(2) 2.)~~ The general development character of the tract including the limitations or controls to be placed on all uses with proposed lot sizes, minimum setback requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities and all commonly owned structures shall be shown in detail which identifies the quantity and type and typical section of each. For example, the landscape plan shall identify each plant, shrub or tree, its name, its size at planting and rendering of how that section of the development would look in elevation.
- ~~(3) 3.)~~ Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These are specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township. Materials and colors shall be submitted for approval.
- ~~(4) 4.)~~ The proposed provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness. Line sizes and locations, detention basins and drainage structures shall be drawn.
- ~~(5) 5.)~~ A traffic impact analysis by a competent traffic engineer acceptable to the Union County Engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.

~~(6) 6.)~~ The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.

~~(7) 7.)~~ Specific location of schools, parks and other public facility sites, within or adjacent to the site.

~~(8) 8.)~~ The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.

~~(9) 9.)~~ If the proposed timetable for development includes developing the land (including open space) in phases, all phases developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.

~~(10) 10.)~~ The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.

~~(11) 11.)~~ A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.

~~(12) 12.)~~ A lighting plan identifying location, size and spillage for all street and exterior lighting.

~~13.)~~ An economic impact statement setting forth the financial impact of the proposed PRD on the Township, the school district and Union County.

~~(14) 14.)~~ Specific statements of divergence from the development standards and the justification therefore, unless a variation from these development standards is specifically approved, the same shall be complied with. Since the Final Development Plan is an exact rendition of what is intended to be built, all standards for setback, landscaping parking and lot size are per plan.

~~(15) 15.)~~ Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.

~~(16) 16.)~~ The final development plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio.

~~(17) 17.)~~ Supplemental Conditions and Safeguards: The Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics may request such additional documentation and/or exhibits as the Township Zoning Commission deems necessary to evaluate the final development plan.

~~(18) 18.)~~ Additional Fees: The Board of Trustees may elect to retain the services of outside consultants, such as lawyers, architects, engineers, and planners, to assist in the review of a PRD preliminary development plan. To the extent such consultants are retained, the applicant shall be obligated to reimburse the Township for all such out-of-pocket expenses incurred in the processing of the application and review of the final development plan.

~~(19) 19.)~~ Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PRD property, the applicant must submit an affidavit from each property owner within the PRD stating that the applicant may act as the owner's agent to submit the PRD application.

Section 7214 – Final Development Plan Approval:

~~(A) Approval Period - 3.)~~ Final Development Plan Approval Period – The approval of a final development plan shall be effective for a period of three (3) years, or for such other period as approved per plan, in order to allow for the filing

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and recording of a final subdivision plat, if platting is required by applicable law, and the commencement of construction of improvements on the site. No zoning amendment passed during the established approval period shall affect the terms under which approval of the final development was granted. If the required final subdivision has not been approved and recorded, and construction commenced within the established approval period, then the final development plan shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new final development has been filed with and approved by the Township, and such application for approval shall be subject to the same procedures and conditions as an original application. This new application shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PRD.

(B) 4.) Effect of Final Development Plan Approval. - The Final Development Plan as approved by the Township Zoning Commission shall be the subject of a subdivision plat to be approved by Union County if required by the Ohio Revised Code. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development.

(C) 5.) Plat Required. - If required by applicable law, no use shall be established or changed, and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Union County, Ohio, and this Resolution. The subdivision plat and plan shall be in accordance with the approved development plan and shall include:

(1) a.) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.

(2) b.) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.

(3) c.) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning permit be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.

(D) 6.) Failure to Maintain. - If the approved development plan is not adhered to, or the open space is not properly maintained, the Township zoning administrator may serve written notice of the deficiencies and demand that corrective action be taken. The Township may pursue noncompliance as a zoning violation as provided in this Resolution.

(E) 7.) Administrative Review. - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Administrator, the Zoning Commission or their designated technical advisors for an administrative review to ensure substantial compliance with the development plan as approved, prior to issuance of a zoning permit. The Board of Trustees may establish a fee to be deposited with each administrative review in order to defray the costs associated with such a review.

(F) 8.) Extension of Time/ Modification of Final Development Plan

(1) a.) An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or enlarging the approval period for either a preliminary or final development plan may be granted by the Zoning Commission without public hearing provided the Commission finds that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.

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~~(2) b.)~~ A request for minor changes to the final development plans may be approved by the Zoning Commission without being subject to the same procedures as the original application.

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~~(3) c.)~~ In the case of a request for a modification or amendment to the approved final development plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of preliminary, and final development plan approval as the original application. The following shall be considered substantial departures from the original application.

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- i. ~~(1)~~ A change in the use or character of the development
- ii. ~~(2)~~ An increase in overall lot coverage of structures and off-street parking
- iii. ~~(3)~~ An increase in the density
- iv. ~~(4)~~ An increase in the problems of traffic circulation and public utilities;
- v. ~~(5)~~ A reduction in approved open space;
- vi. ~~(6)~~ A reduction of off street parking and loading space;
- vii. ~~(7)~~ A reduction in required pavement widths;
- viii. ~~(8)~~ A reduction of the acreage in the planned development;
- ix. ~~(9)~~ Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.

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~~(G) 9.)~~ Divergences - The Township, as a part of either preliminary or final development plan approval, may grant divergences from any standard or requirement in this Article. An applicant requesting a divergence shall specifically list each requested divergence on the preliminary and final development plan submittals.

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SECTION 7300 – PLANNED COMMERCIAL & OFFICE DISTRICT (PCOD)

Section 7301 – Purpose:

Section 7301 – Planned Commercial & Office District Purpose:

The purpose of the Planned Commercial & Office District is to encourage the design and development of non-residential uses in a manner which enhances the Township's image through the application of design and architectural principles, high-quality construction techniques, preservation of existing natural resources, and the provision of aesthetic amenities. The Planned Commercial District also gives the Township the ability to permit a broad range of non-residential uses in a manner that ensures that such uses are compatible with the surrounding environment, specifically residential uses.

Section 7310 – Planned Commercial & Office District Permitted Uses:

All permitted uses allowed in the Neighborhood Business District (B 1), General Business District (B 2), Office and Research and Development District (B 3), as provided for in this Resolution.

Section 7320 – Planned Commercial & Office District Conditional Uses:

All conditional uses permitted in the Neighborhood Business District (B 1), General Business District (B 2), Office and Research and Development District (B 3), as provided for in this ordinance.

- a. The applicant shall list in the development standards text all permitted, conditional, accessory, and prohibited uses of the PCOD as applied to the specific tax parcels that are subject to the proposed rezoning. A Certificate of Zoning Compliance will not be issued for uses not listed in the development standards text without approval of the Zoning Commission.

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Section 7330 – Planned Commercial & Office District General Development Standards:

In addition to the provisions of Article VII through Article X, the following standards for arrangement and development of land and buildings are required in the PCOD.

- a. Minimum area. Three acres for a PCOD; ¼ acre minimum for lots within a PCOD.
- b. Minimum lot width. None, except that such a site shall abut a major arterial or minor arterial street for a minimum continual frontage distance of 100 feet.
- c. Open Space. At least 30% of the gross tract acreage shall be designated as permanent open space, not to be further developed, unless an exception is granted by the Township.
- d. Enclosure and screening. A use allowed in this district shall entirely enclose its primary operation within a structure. No open storage will be permitted. Open sales, service areas and loading docks shall be screened per the requirements of Article IX.
- e. Side yards. A side yard shall be required adjacent to a Residential Zoning District or another Planned Development District as listed in Article VI. Such required side yards shall equal one fourth the sum of the height and width of the structure but in no case shall be less than fifty feet.
- f. Rear yards. A rear yard shall be required adjacent to a Residential Zoning District or another Planned Development District as listed in Article VI. Such required rear yards shall equal one fourth the sum of the height and depth of the structure, but in no case shall be less than fifty feet.
- g. Arrangement of areas. The location and arrangement of structures, parking, access drives, outdoor lighting, signs and other uses and developments within the PCOD, in addition to achieving the standards of this subsection, shall be accomplished in accordance with an approved development plan established to assure compatibility with the existing and future land use development in the vicinity. The development plan shall include walks, fences, landscaping and other devices which will meet the purpose and intent of the PCOD.
- h. PCOD Reserve areas. All areas designated for future expansion or not intended for immediate improvement or development shall be specified as reserve area. The future use and the limitations on future use of such area shall also be specified, although the use of such area may later be reconsidered in accordance with Section 6111. Reserve areas shall be landscaped or otherwise maintained in a neat and orderly manner.
- i. PCOD Parking and loading. Off street parking, loading and service areas shall be provided in accordance with Article IX. These areas shall be arranged for an internal traffic circulation pattern adapted to the site and the structural arrangement set forth in the development plan.
- j. PCOD Maximum lot coverage. Structures, pedestrian areas, parking areas, and other hard surfaced or paved areas shall not cover more than 70% of the lot. Maximum coverage of the lot by structures, not including unenclosed loading docks, shall not exceed 50%.
- k. PCOD Intensity of Use. The maximum density shall be one and one half (1-1/2) dwelling units per gross acre within the area to be developed, unless the physical boundaries of land or existing developments adjacent thereto on adjoining lands establish an atmosphere inconsistent with the above maximum density of one and one half (1-1/2) dwelling units per gross acre. Increased densities may be approved by the Millcreek Zoning Commission and Township Trustees if it is determined that additional amenities or quality upgrade items are included in the development plan, however, the total density for the entire area of the development shall not exceed three (3) units per gross acre.

Section 15.01 PURPOSE: The Planned Commercial, Office and Institutional District (PCD) is a Planned Unit Development District adopted pursuant to Ohio Revised Code 519.021(A).

Section 7302 – Permitted Uses:

Section 15.02 PERMITTED USES: Within the Planned Commercial, Office and Institutional District (PCD) the following uses, when developed in strict compliance with the approved development plan and standards, may be permitted:

(A) Retail Type Uses

- (1) 1-Retail stores primarily engaged in selling of merchandise for personal or household consumption and rendering services incidental to the sale of goods including: grocery stores, meat and seafood markets, fruit stores and vegetable markets, candy stores, nut and confectionary stores, dairy product stores, retail bakeries, drug stores, florists, eating places, self-service laundromats, laundry and dry-cleaning shops, beauty shops, video tape and disc rental facilities, barber shops, furniture and home furnishings stores, electronics and appliance stores, clothing stores, sporting goods, hobby, book and music stores or any other like retail establishment consistent with the above listed uses.
- (2) 2-Eating and drinking establishments

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- ~~(3) 3-Hotel, inn or bed & breakfast~~
- ~~(4) 4-Garden centers~~
- ~~(5) 5-Retail lumber and building material yards~~
- ~~(6) 6-Greenhouse, Nursery and Floriculture Production~~
- ~~(7) 7-Commercial recreational uses, such as golf courses and driving ranges~~
- ~~(8) 8-Fitness and Recreational Centers~~
- ~~(9) 9-Movie Theaters~~

~~(B) 8-Office Type Uses~~

- ~~(1) 4-Office facilities for providing personal service such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, dentists, osteopaths, chiropractors, podiatrists or other allied medical, dental or optical fields, accountants, technology assistance, architects and engineers.~~
- ~~(2) 2-Offices of credit agencies, personal credit institutions or loan offices.~~
- ~~(3) 3-Offices of veterinarians, provided that the exterior building walls are soundproofed to the maximum extent feasibly by using existing technology, with noise emissions not creating a nuisance to the surrounding neighborhood. Non-medical boarding and outside dog runs shall not be permitted.~~
- ~~(4) 4-Business offices / corporate headquarters.~~
- ~~(5) 5-Meeting or conference center~~

~~(C) 6-Institutional Type Uses~~

- ~~(1) 4-Public or Private parks and athletic fields~~
- ~~(2) 2-Continuing care facilities for the elderly~~
- ~~3-Child day care services~~
- ~~(3) 3~~
- ~~(4) 5-Hospitals, medical facilities, nursing homes and convalescent homes~~
- ~~(5) 6-Libraries, Museums, Art Galleries and Live Performance Theaters~~
- ~~(6) 9-Religious, Grantmaking, Civil, Professional and Similar Organizations~~
- ~~(7) 10-Public Administration and Community Buildings~~
- ~~(8) 11-Radio and T.V. Stations~~
- ~~(9) 12-Religious Institutions~~
- ~~(10) 13-Cemeteries~~
- ~~(11) 14-Research laboratories, testing services and assembly services~~
- ~~(12) 15-Public or private educational facilities including colleges and training centers.~~

~~Section 7303 – Conditional Uses:~~

~~Section 15.03 CONDITIONAL USES:~~ Unless approved as a part of the PCD development text, the Board of Zoning Appeals may approve the following conditional uses within a PCD, provided the established standards for a conditional use as set forth in Section 4250 of the code are met:

~~(A) A-Residential multi-family units in areas over or connected to the commercial, office or institutional use. Maximum density is three units per Net Developable Acre. Such residences shall be specifically designed as part of the architecture of the structure in a village setting. All living units constructed within this district shall contain the following minimum living area, to-wit: One (1) bedroom unit- 900 square feet; Two (2) bedroom unit- 1,000 square feet; Three (3) or more bedroom units – 1,100 square feet. For purposes of this Zoning Resolution, “Net Developable Area” means deducting from the gross acreage: i) 15% of the gross acreage for streets and utilities; ii) Jurisdictional wetlands as defined in US Army Corps of Engineers’ Corps of Engineers Wetlands Delineation Manual; iii) Floodplains within a FEMA 100-year floodplain; iv) Slopes greater than 20%, including ravines; v) Utility rights of way and easements for above-ground and currently existing utility structures, such as above ground pipelines and existing overhead electric transmission (not local service) wires; and vi) Existing bodies of water.~~

~~(B) B-Drive-in or drive-through facilities for restaurants, financial institutions and other similar type businesses.~~

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~~(C) Gas stations.~~

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~~(D) Car washes provided that surface water from such establishments shall not drain onto adjacent property and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.~~

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~~(E) Automobile service stations, automobile repair shops and automobile painting shops.~~

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~~(F) Car and Machinery Rental~~

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~~G. Automobile Sales~~

~~(G)~~

~~(H) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than one time. Renewal of the permit shall be at the discretion of the Zoning Administrator on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Administrator may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed no later than ten (10) days after expiration of said permit.~~

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Section 7304 – Prohibited Uses:

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Section 15.03 PROHIBITED USES:

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~~(A) Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited.~~

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~~(B) Outdoor storage of inoperable, unlicensed or unused motor vehicles, including trailers detached from semi-tractors, for a period exceeding seven (7) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to new or used motor vehicles stored or displayed pursuant to a legal sales or repair activity if such activities are carried out in compliance with the approved plan.~~

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~~(C) Except as provided in the plan of development no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed, or the development plan.~~

~~(D) Except as specifically permitted in the approved development plan, no manufactured home, mobile home or mobile office structure shall be placed or occupied in this district.~~

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~~(E) Promoters of Performing Arts, Sports, and Similar Events with outdoor open air facilities with seating for more than one hundred persons; Car, Dog or Horse Racing Tracks; ATV, Motorcycle or Motocross Tracks; Casinos.~~

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~~(F) Adult Entertainment Facilities as defined in Article XV.~~

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~~(G) Buildings greater than 65,000 square feet.~~

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Section 7305 – Initial Discussions:

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~~Section 15.04 INITIAL DISCUSSIONS: The applicant is encouraged to engage in informal consultations with the Millcreek Township Zoning Commission prior to formal submission of a development plan and application to amend the zoning map to PCD.~~

No statement by officials of the Township shall be binding at the concept stage.

In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this PCD district shall follow the procedures herein.

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Section 7306 – Required PCD Design FeaturesStandards:

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Section 15.05 REQUIRED PCD DESIGN FEATURES:

~~A. The development plan shall incorporate the following standards:~~

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- (A) ~~1.)~~ Access- Requires frontage on and direct access to, one or more dedicated and improved public arterial roads. Provision for future connections to other public roads as required by the Township, the County Engineer and/or the Regional Planning Commission.
- (B) ~~2.)~~ Minimum tract size- 10 acres, or as approved per plan.
- (C) ~~3.)~~ Maximum impervious surfaces- ground coverage by buildings and paved parking areas (total impervious surfaces): 50% of net developable area.
- (D) ~~4.)~~ Permitted density- Maximum of three units per Net Developable Acre for residential multi-family dwellings.
- (E) ~~5.)~~ Floodplain – No structures shall be constructed within the 100-year floodplain of any stream or river.
- (F) ~~6.)~~ Open Space - A minimum of 10% of the gross acreage shall be Open Space, which shall be distributed throughout the development as part of a unified open space system. The Open Space shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open spaces may be used for the natural disposal of storm water drainage. No features should be designed which are likely to cause erosion or flooding. If residential multi-family units are permitted or conditionally permitted in the PCD, a minimum of 30% of the gross acreage of the PCD shall be open space, of which 10% must be Recreational Open Space. Open space may be Maintained Passive Open Space, Recreational Open Space or Unmaintained Passive Open Space as defined in this Zoning Resolution.
- (G) ~~7.)~~ Minimum Lot Width - At the building line as approved per plan.
- (H) ~~8.)~~ Minimum Side Yards- for non-residential structures shall equal one-third (1/3) the sum of the height and depth of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District, or as approved per plan.
- (I) ~~9.)~~ Minimum Rear yard- for non residential structures shall equal one-third (1/3) the sum of the height and width of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District, or as approved per plan.
- (J) ~~10.)~~ Perimeter Area- No building or parking shall be constructed within 100 feet of the perimeter property line of the overall tract, or as approved per plan.
- (K) ~~11.)~~ Walkways and street trees- A network of paved sidewalks, walking paths and bicycle paths shall be provided. Where located parallel to the roads, sidewalks shall be separated from the street pavement by at least a 5 feet landscaped or grassed strip. Walking paths may be located per plan. The Zoning Commission may require paved walkways to connect residential areas and open spaces. Street trees shall conform to the Landscaping standards set forth in this Zoning Resolution.
- (L) ~~12.)~~ Buffering- Natural foliage shall be retained where practicable. Where adequate foliage does not exist, the Township may require establishment of such tree cover or other foliage as may be necessary to achieve the purpose of the open space and the buffer of adjacent uses.
- (M) ~~13.)~~ Preservation areas- Wetlands, steep (over 20%) slopes, forests, 100 year floodplains, ravines and noted wildlife habitat shall be preserved to the greatest extent possible.
- (N) ~~14.)~~ Floodplain- No residential dwelling structures shall be constructed within the 100-year floodplain of any stream or river.
- (O) ~~15.)~~ Utilities- Centralized water supply and sanitary sewage disposal systems shall be provided, subject to County Sanitary Engineer, Board of Health and Ohio Environmental Protection Agency approval. Feasibility of water supply and wastewater disposal systems shall be indicated by the appropriate agencies at the time of the preliminary plan.
- (P) ~~16.)~~ Building design- The project architect shall give due regard to the footprints, building orientation, massing, roof shape, pitch and exterior materials to blend with other traditional or historic architecture in the community or with the site. The project architect shall follow the Township Comprehensive Plan with regard to building design and materials. Rooftop mechanicals shall be screened.
- (Q) ~~17.)~~ Building Height Limits- Building Height shall be limited to 50 feet.
- (R) ~~18.)~~ Landscaping- All yards, front, side and rear, shall be landscaped, and all organized open spaces or non-residential use areas shall be landscaped and shall meet the Landscaping requirements of this Zoning Resolution, unless a variation from these standards is specifically approved as part of the final development plan. A landscape plan showing the caliper, height, numbers, name and placement of all material, prepared by a licensed landscape architect shall be approved as a part of the final development plan.
- (S) ~~19.)~~ Parking- Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan, the parking provisions of this Resolution shall be incorporated, or a divergence requested.
- (T) ~~20.)~~ Signs- Signs shall conform to provisions of this resolution, or request a divergence and be as approved per plan.

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(U) ~~21.)~~ Exterior Lighting- All exterior lighting shall be as specifically approved as part of the final development plan. Fixtures shall be cut-off fixtures and all lighting shall be down lighting. Poles shall not exceed 16 feet in height.

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(V) ~~22.)~~ Building Size Limits – No structure used for Retail Type Uses shall contain more than 35,000 gross square feet of floor area under one roof. No structure used for office or institutional type uses shall contain more than 65,000 square feet of floor area under one roof.

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(W) Supplemental Conditions and safeguards- The Zoning Commission and/or Board of Trustees may impose additional conditions relating to the development with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.

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Section 7307 – Required Findings for PCD Approval:

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~~Section 15.06 REQUIRED FINDINGS FOR PCD APPROVAL:~~ The Zoning Commission and Trustees may approve an application requesting that property be included in the PCD zoning district, provided they find that the proposed use complies with all of the following requirements:

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(A) ~~A.)~~ That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.

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(B) ~~B.)~~ That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.

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(C) ~~C.)~~ That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.

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(D) ~~D.)~~ That the proposed plan meets all of the design features required in this Resolution.

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(E) ~~E.)~~ That the proposed development is in keeping with the existing land use character and physical development potential of the area.

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(F) ~~F.)~~ That the proposed development will be compatible in appearance with surrounding land uses.

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(G) ~~G.)~~ That the development promotes greater efficiency in providing public utility services and encouraging innovation in the planning and building of all types of development.

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Section 7308 – Process for Amendment:

~~Section 15.07 PROCESS FOR AMENDMENT:~~ Applications for amendment to rezone property to the PCD Zoning District may be approved according to one of the following procedures:

(A) ~~A.)~~ The applicant, being the owner or lessee of the subject real estate, may apply for a zoning map amendment to designate the land as a PCD. A preliminary development plan must be submitted with the application. If the application for the zoning amendment is approved, then the zoning map is amended to PCD. (This is a legislative act and is subject to referendum). A final development plan shall be subsequently submitted to the Zoning Commission for review and approval (this is an administrative act and not subject to referendum.) This procedure may only be used if the real estate proposed to be rezoned consists of at least 10 acres.

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(B) ~~B.)~~ The applicant, being an owner or lessee of the subject real estate, may apply for a zoning map amendment to designate the land as a PCD and simultaneously submit, along with the application for the zoning amendment, a final development plan acceptable to the Township and in accordance with the final development plan standards set forth herein. (This is a legislative act and is subject to referendum).

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In addition to the procedures set forth in this Zoning Resolution, all applications for amendment to rezone property to the PCD district shall comply with the procedures outlined in Ohio Revised Code Section 519.12.

Section 7309 – Effect of Property Owner Initiated PCD – Zoning Amendment:

~~Section 15.08 EFFECT OF PROPERTY OWNER INITIATED PCD ZONING AMENDMENT:~~ Upon approval of an application for a zoning amendment to rezone property to the PCD district, all previous regulations shall no longer be in effect, and the regulations set forth in this Article for the PCD designation, as approved, shall prevail.

Section 7310 – Preliminary Development Plan:

Section 15.09 DEVELOPMENT PLANS

~~A. Preliminary Development Application—~~ Upon application for a PCD District, the owner(s) or lessees of lots or land within the Township shall simultaneously submit a preliminary development plan. The preliminary development plan shall show the intended layout of the site.

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Fifteen (15) copies of the preliminary development plan shall be submitted to the Zoning Commission with the PCD application. The plan shall include in text and map form, the following:

- (A) ~~1.)~~ The proposed size and location of the PCD district, at a scale of at least 1" = 200', showing topographic contours of at least 5' intervals, wooded areas, wetlands, adjacent (within 200') structures, 100 year floodplains.
- (B) ~~2.)~~ Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These are specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township. Materials and colors shall be submitted for approval.
- (C) ~~3.)~~ The intended general provisions for water, fire hydrants, sanitary sewer and surface drainage. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented.
- (D) ~~4.)~~ The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights of way, proposed drainage and public utilities.
- (E) ~~5.)~~ A design of the open space and proposed description of its use and maintenance.
- (F) ~~6.)~~ Specific statements of divergence, if any, from the development standards in this Article or the general standards of this resolution such as setbacks, parking, landscaping, lighting, signage and so forth.
- (G) ~~7.)~~ Proposed location of all structures and uses.
- (H) ~~8.)~~ A traffic impact analysis by a competent traffic engineer acceptable to the Union County Engineer and the Trustees, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
- (I) ~~9.)~~ All required design features set forth in Article IX.
- (J) ~~10.)~~ Emergency service provisions (letter from Fire and Police departments).
- (K) ~~11.)~~ Phasing plans, if any.
- (L) ~~12.)~~ Calculation of net developable acreage and proposed density.
- (M) ~~13.)~~ Proposed permitted and accessory uses.
- (N) ~~14.)~~ Water supply, sanitary sewage disposal feasibility, gas supply and electric supply shall be indicated in writing by the appropriate agency at the time of the preliminary plan.
- (O) ~~15.)~~ A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
- (P) ~~16.)~~ Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These are specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township. Materials and colors shall be submitted for approval.
- (Q) ~~17.)~~ A lighting plan identifying location, size and spillage for all street and exterior lighting.
- (R) ~~18.)~~ An economic impact plan setting forth the financial impact of the proposed PRD on the Township, the school district, public safety departments, public utilities and Union County.
- (S) ~~19.)~~ Supplemental Conditions and Safeguards: The Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics may request such additional documentation and/or exhibits as the Township Zoning Commission deems necessary to evaluate the preliminary development plan.
- (T) ~~20.)~~ Additional Fees: The Board of Trustees may elect to retain the services of outside consultants, such as lawyers, architects, engineers, and planners, to assist in the review of a PCD preliminary development plan. To the extent such consultants are retained, the applicant shall be obligated to reimburse the Township for all such out-of-pocket expenses incurred in the processing of the application and review of the preliminary development plan.
- (U) ~~21.)~~ Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PCD property, the applicant must submit an affidavit from each property owner within the PCD stating that the applicant may act as the owner's agent to submit the PCD application. Said affidavits shall expire after six (6) months and new affidavits shall be submitted by the applicant at the request of the Township.

Section 7311 – Final Development Plan:

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B. Final Development Plan—The applicant shall submit seven (7) copies of the final development plan to the Zoning Commission with the application. Except as otherwise provided in the initial rezoning of property to the PCD district, the Zoning Commission shall be the review authority for the final development plan.

The review and approval of the Final Development Plan is an administrative, not legislative act, unless the final development plan is simultaneously submitted with application for the zoning district change.

If, in the opinion of the Zoning Commission, there is a substantial deviation from the approved preliminary development plan, the final development plan shall state the areas of divergence.

The final development plan shall include in text and map form the following:

- (A) ~~1.)~~ A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed PCD District.
- (B) ~~2.)~~ The plan will be to scale of at least 1" =100' and will show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, all required design features, and the following:
 - (1) ~~a.)~~ The general development character and the permitted and accessory uses to be located on the tract including the limitations or controls to be placed on all uses, with proposed lot sizes, and minimum setback requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities, common open space areas, and all commonly owned structures shall be shown in detail which identifies the quantity and type and typical section of each. For example, the landscape plan shall identify each plant, shrub or tree, its name, its size at planting and rendering of how that section of the development would look in elevation.
 - (2) ~~b.)~~ Environmentally sensitive areas such as the 100 year floodplain, wetlands, and slopes greater than 20% shall be mapped. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Union County. To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6%) percent shall be maintained.
 - (3) ~~c.)~~ Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These shall also include specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township Zoning Commission. Materials and colors shall be submitted for approval.
 - (4) ~~d.)~~ Building heights and dimensions.
 - (5) ~~e.)~~ Off-street parking.
 - (6) ~~f.)~~ Signs.
 - (7) ~~g.)~~ Exterior Lighting: All exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any adjoining property.
 - (8) ~~h.)~~ The proposed approved provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness. Pipe sizes and locations, detention basins and drainage structures shall be drawn.
 - (9) ~~i.)~~ A traffic impact analysis by a competent traffic engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
 - (10) ~~j.)~~ The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
 - (11) ~~k.)~~ Location of all uses within the site and the location of schools, parks and other public facility sites within or adjacent to the site.
 - (12) ~~l.)~~ The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
 - (13) ~~m.)~~ Specific location of schools, parks and other public facility sites, within or adjacent to the site.
 - (14) ~~n.)~~ All design standards from Article IX.
 - (15) ~~o.)~~ If the proposed timetable for development includes developing the land (including open space) in phases, all phases developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.

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~~(16) e.)~~ The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.

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~~(17) a.)~~ A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.

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~~(18) f.)~~ A lighting plan identifying location, size and spillage for all street and exterior lighting.

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~~(19) s.)~~ An economic impact statement setting forth the financial impact of the proposed PRD on the Township, the school district and Union County.

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~~(20) t.)~~ Specific statements of divergence from the development standards in of this resolution and the justification therefore. Unless a variation from these development standards is specifically approved, the same shall be complied with. Since the Final Development Plan is an exact rendition of what is intended to be built all standards for landscaping, parking and setbacks are per plan.

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~~(21) u.)~~ Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.

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~~(22) v.)~~ The development plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio.

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~~(23) w.)~~ The manner and method to be utilized in order to achieve and maintain compliance with the general criteria for the PCD district.

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~~(24) x.)~~ The manner in which the applicant will mitigate any nuisance effects of the proposed uses such as, but not limited to:

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~~(a) i.)~~ Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

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~~(b) ii.)~~ Air Pollution: No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

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~~(c) iii.)~~ Glare, Heat and Exterior Lighting: Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

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~~(d) iv.)~~ Dust and Erosion: Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.

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~~(e) v.)~~ Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

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~~(f) vi.)~~ Vibrations and Noise: No use shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises.

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~~(g) vii.)~~ Odors: No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be met.

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~~(C) t.)~~ Supplemental Conditions and Safeguards: The Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics and may request such additional documentation and/or exhibits as the Township Zoning Commission deems necessary to evaluate the final development plan.

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~~(D) u.)~~ Additional Fees: The Board of Trustees may elect to retain the services of outside consultants, such as lawyers, architects, engineers, and planners, to assist in the review of a PCD preliminary development plan. To the extent such consultants are retained, the applicant shall be obligated to reimburse the Township for all such out-of-pocket expenses incurred in the processing of the application and review of the final development plan.

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~~(E) 4-~~ Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PCD property, the applicant must submit an affidavit from each property owner within the PCD stating that the applicant may act as the owner's agent to submit the PCD application.

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Section 7312 – Final Development Plan Approval:

~~(A) 6-~~ Final Development Plan Approval Period- The approval of a final development plan shall be effective for a period of three (3) years, or for such other period as approved per plan, in order to allow for the filing and recording of a final subdivision plat, if platting is required by applicable law, and the commencement of construction of improvements on the site. No zoning amendment passed during the established approval period shall affect the terms under which approval of the final development was granted. If the required final subdivision has not been approved and recorded, and construction commenced within the established approval period, then the final development plan shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new final development has been filed with and approved by the Township, and such application for approval, shall be subject to the same procedures and conditions as an original application for preliminary and final development plan approval. This new application shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PCD District.

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~~(B) 9-~~ Phasing- Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan.

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~~(C) 5-~~ Failure to Maintain- If the approved development plan is not adhered to, or the open space is not properly maintained, the Township zoning administrator may serve written notice of the deficiencies and demand that corrective action be taken. The Township may pursue noncompliance as a zoning violation as provided in this Resolution.

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~~(D) 7-~~ Plat Required- If a plat is required by applicable law, no use shall be established or changed, and no building, structure, or improvement shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Union County, Ohio, and this Resolution. The subdivision plat and plan shall be in accordance with the approved development plan and shall include:

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~~(1) 4-~~ Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.

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~~(2) 2-~~ In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.

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~~(3) 2-~~ A request for approval of the final subdivision plat for the entire development shall be filed for approval and the approved final plat recorded within three (3) years after the approval of the final development plan or within such other period as approved per plan.

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~~(4) 4-~~ Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land and the improvements thereon and the ownership and maintenance of all Common Open Space.

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~~(E) 6-~~ Extension of Time/ Modification of Final Development Plan:

~~(1) 4-~~ An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or enlarging the approval period for either a preliminary or final development plan may be granted by the Zoning Commission without public hearing provided the Commission finds that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.

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~~(2) 2.)~~ A request for minor changes to the final development plan may be approved by the Zoning Commission without being subject to the same procedures as the original application.

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~~(3) 3.)~~ In the case of a request for a modification or amendment to the approved final development plan that represents a substantial departure from the intent of the original proposal, as determined by the Zoning Commission, said modification or amendment shall be subject to the same procedure and conditions of preliminary and final development plan approval as the original application. The following shall be considered substantial departures from the original application:

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~~(a) i.)~~ A change in the use or character of the development;

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~~(b) ii.)~~ An increase in overall lot coverage of structures and off-street parking;

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~~(c) iii.)~~ An increase in the density;

~~(d) iv.)~~ An increase in the problems of traffic circulation and public utilities;

~~(e) v.)~~ A reduction in approved open space;

~~(f) vi.)~~ A reduction of off street parking and loading space;

~~(g) vii.)~~ A reduction in required pavement widths;

~~(h) viii.)~~ A reduction of the acreage in the planned development;

~~(i) ix.)~~ Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.

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~~(F) 4.)~~ Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Administrator, the Zoning Commission or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved.

~~(G) 5.)~~ Divergences - The Township, as a part of either preliminary or final development plan approval, may grant divergences from any standard or requirement in this Article. An applicant requesting a divergence shall specifically list each requested divergence on the preliminary and final development plan submittals.

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SECTION 7400 – PLANNED INDUSTRIAL DISTRICT (PID)

Section 7401 – Purpose:

Section 7401 – Planned Industrial District Purpose:

The purpose of the Planned Industrial District is to encourage the design and development of areas where industrial, office, and limited commercial uses are located. Uses in the Planned Industrial District should not conflict with surrounding land uses and the overall site should be designed in a manner that protects existing natural resources, encourages sound traffic patterns, and incorporates high-quality construction techniques and the provision of aesthetic amenities.

Section 7410 – Planned Industrial District Permitted Uses:

All permitted uses allowed in the Limited Industrial District (M-), as provided for in this ordinance.

Section 7420 – Planned Industrial District Conditional Uses:

All conditional uses permitted in the Limited Industrial District (M-1), Neighborhood Business District (B-1), General Business District (B-2), and Office and Research and Development District (B-3), as provided for in this ordinance.

Section 7430 – Planned Industrial District Uses in Text:

The applicant shall list in the development standards text all permitted, conditional, accessory, and prohibited uses of the PID District as applied to the specific tax parcels that are subject to the proposed rezoning. A certificate of zoning compliance will not be issued for uses not listed in the development standards text without approval of the Zoning Commission.

Section 7440 – Planned Industrial District General Development Standards:

In addition to the provisions of Article VII Article X, the following standards for arrangement and development of land and buildings are required in the Planned Industrial District.

- a. Minimum area. Twenty (20) acres.
- b. Minimum lot width. None, except that such a site shall abut a major arterial or minor arterial street for a minimum continual frontage distance of 100 feet.
- c. Open space. At least 30% of gross tract acreage shall be designated as permanent open space, not to be further developed, unless an exception is granted by the Township.
- d. Enclosure and screening. A use allowed in this district shall entirely enclose its primary operation within a structure. Open storage areas are not permitted as provided for in this ordinance. Open sales, service areas and loading docks shall be screened per the requirements of Article IX. Any security fences must be decorative, per Article VII and Article X. Security fences must not extend farther forward on the lot than a line extending from the back wall of the structure, to the intersection of the side lot line (or to the farthest distance of the required side yard) on either side.
- e. Side yards. For main and accessory structures, including open storage, service and loading areas, the required side yards shall equal one-third the sum of the height and depth of the structure, but in no case shall be less than seventy-five (75) feet from any residential zoning district or planned residential district as listed in Article VI.

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Section 7440 – Planned Industrial District General Development Standards (Continued);

- f. ~~Rear yards.~~ For main and accessory structure, including open storage, service and loading areas, the required rear yards shall equal one third the sum of the height and width of the structure, but in no case shall be less than seventy five (75) feet from any residential zoning district or planned residential district as listed in Section 6100.
- g. ~~Arrangement of areas.~~ The location and arrangement of structures, parking, access drives, outdoor lighting, signs and other uses and developments within the Planned Industrial District, in addition to achieving the standards of this subsection, shall be accomplished in accordance with an approved development plan established to assure compatibility with the existing and future land use development in the vicinity. The development plan shall include walks, fences, landscaping and other devices which will meet the purpose and intent of the Planned Commercial District.
- h. ~~Reserve areas.~~ All areas designated for future expansion or not intended for immediate improvement or development shall be specified as reserve area. The future use and the limitations on future use of such area shall also be specified, although the use of such area may later be reconsidered in accordance with Section 6111. Reserve areas shall be landscaped or otherwise maintained in a neat and orderly manner.
- i. ~~Parking and loading.~~ Off street parking, loading and service areas shall be provided in accordance with Article IX. These areas shall be arranged for an internal traffic circulation pattern adapted to the site and the structural arrangement set forth in the development plan.
- j. ~~Maximum lot coverage.~~ Structures, pedestrian areas, parking areas, and other hard surfaced or paved areas shall not cover more than 75% of the lot. Maximum coverage of the lot by structures, not including unenclosed loading docks, shall not exceed 50%.
- k. ~~Landscape easement.~~ In addition to the requirements of Article X, an easement twenty five feet or more in width shall be provided around the entire tract and shall be landscaped in accordance with an approved landscape plan. Such plan shall provide plantings which will achieve a height of ten feet or more and an opaqueness of at least seventy five percent (75%) within five years of normal growth. This easement, when adjacent to a street right of way eighty feet or more in width, or other industrial zoning district, may be reduced to fifteen feet, a twenty five percent (25%) opaqueness, and two feet in height. The landscape plan shall be submitted with the subdivision plat and shall be subject to approval in the same manner as required of the subdivision plat.

Section 18.01 PURPOSE: The Planned Industrial District (PID) is a Planned United Development District adopted pursuant to Ohio Revised Code 519.021(A).

Section 7402 – Permitted Uses:

Section 18.02 PERMITTED USES: Within the Planned Industrial District (PID), the following uses shall be permitted:

- (A) ~~A.~~ Wholesale businesses when all products are stored within the building.
- (B) ~~B.~~ Business offices.
- (C) ~~C.~~ Research laboratories.
- (D) ~~D.~~ Research assembly services.
- (E) ~~E.~~ Research testing facilities.
- (F) ~~F.~~ Light manufacturing and assembly.

The precise use(s) or type of use(s) of the tract shall be specified in the plan as submitted and approved.

Section 7403 – Conditional Uses:

Section 18.03 CONDITIONAL USES: Unless approved as a part of the PID development text, the Board of Zoning Appeals may approve the following conditional uses within a PID, provided the established standards for a conditional use as set forth in Section 4250 of the code are met:

- (A) ~~A.~~ Manufacturing activities when all operations and materials are within a building.
- (B) ~~B.~~ Service or repair activities when all operations and materials are within a building.
- (C) ~~C.~~ Recycling facilities when all materials and operations are within a building.
- (D) ~~D.~~ Uses identified in the Neighborhood Business District (B-1), General Business District (B-12), and the Office and Research and Development District (B-3).
- (E) ~~E.~~ Adult entertainment facilities per the requirements of Article XV.

Section 7404 – Prohibited Uses:

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Section 18.04 PROHIBITED USES:

- (A) ~~A-~~ Uses not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.
- (B) ~~B-~~ Outdoor storage of inoperable, unlicensed or unused motor vehicles, including trailers detached from semi-tractors, for a period exceeding seven (7) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to new or used motor vehicles stored or displayed pursuant to a legal sales or repair activity if such activities are carried out in compliance with the approved plan.
- (C) ~~C-~~ Except as provided in the plan of development no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed, or the development plan.
- (D) ~~D-~~ Except as specifically permitted in the approved development plan, no manufactured home, mobile home or mobile office structure shall be placed or occupied in this district.
- (E) ~~E-~~ Promoters of Performing Arts, Sports, and Similar Events with outdoor open air facilities with seating for more than one hundred persons; Car, Dog or Horse Racing Tracks; ATV, Motorcycle or Motocross Tracks; Casinos.
- (F) ~~F-~~ Residential uses of any kind, except for a caretaker for a permitted use.
- (G) ~~G-~~ Buildings greater than 50,000 square feet.

Section 7405 – Initial Discussions:

~~Section 18.05 INITIAL DISCUSSIONS-~~The applicant is encouraged to engage in informal consultations with the Millcreek Township Zoning Commission prior to formal submission of a development plan and application to amend the zoning map to PID.

No statement by officials of the Township shall be binding at the concept stage.

In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this PID district shall follow the procedures herein.

Section 7406 – Required PID Design FeaturesStandards:

Section 18.06 REQUIRED PID DESIGN FEATURES:

~~A-~~The development plan shall incorporate the following standards:

- (A) ~~1-~~ Access- Requires frontage on and direct access to, one or more dedicated and improved public roads. Provision for future connections to other public roads as required by the Township, the County Engineer and/or the Regional Planning Commission.
- (B) ~~2-~~ Minimum tract size- 10 acres, or as approved per plan.
- (C) ~~3-~~ Maximum impervious surfaces- ground coverage by buildings and paved parking areas (total impervious surfaces): 50% of net developable area.
- (D) ~~4-~~ Floodplain – No structures shall be constructed within the 100-year floodplain of any stream or river.
- (E) ~~5-~~ Open Space - A minimum of 10% of the gross acreage shall be Open Space, which shall be distributed throughout the development as part of a unified open space system. The Open Space shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open spaces may be used for the natural disposal of storm water drainage. No features should be designed which are likely to cause erosion or flooding. Open space may be Maintained Passive Open Space, Recreational Open Space or Unmaintained Passive Open Space as defined in this Zoning Resolution.
- (F) ~~7-~~ Minimum Lot Width- - at the building line as approved per plan.
- (G) ~~8-~~ Minimum Side Yards- shall equal one-third (1/3) the sum of the height and depth of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District, or as approved per plan.
- (H) ~~9-~~ Minimum Rear yard- shall equal one-third (1/3) the sum of the height and width of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District, or as approved per plan.

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- (I) ~~10.)~~ Perimeter Area- No building or parking shall be constructed within 100 feet of the perimeter property line of the overall tract, or as approved per plan.
- (J) ~~11.)~~ Walkways and street trees- A network of paved sidewalks, walking paths and bicycle paths shall be provided. Where located parallel to the roads, sidewalks shall be separated from the street pavement by at least a 5 feet landscaped or grassed strip. Walking paths may be located per plan. The Zoning Commission may require paved walkways to connect residential areas and open spaces. Street trees shall conform to the Landscaping standards set forth in this Zoning Resolution.
- (K) ~~12.)~~ Buffering- Natural foliage shall be retained where practicable. Where adequate foliage does not exist, the Township may require establishment of such tree cover or other foliage as may be necessary to achieve the purpose of the open space and the buffer of adjacent uses.
- (L) ~~13.)~~ Preservation areas- Wetlands, steep (over 20%) slopes, forests, 100 year floodplains, ravines and noted wildlife habitat shall be preserved to the greatest extent possible.
- (M) ~~14.)~~ Floodplain- No residential dwelling structures shall be constructed within the 100-year floodplain of any stream or river.
- (N) ~~15.)~~ Utilities- Centralized water supply and sanitary sewage disposal systems shall be provided, subject to County Sanitary Engineer, Board of Health and Ohio Environmental Protection Agency approval. Feasibility of water supply and wastewater disposal systems shall be indicated by the appropriate agencies at the time of the preliminary plan.
- (O) ~~16.)~~ Building design- The project architect shall give due regard to the footprints, building orientation, massing, roof shape, pitch and exterior materials to blend with other traditional or historic architecture in the community or with the site. The project architect shall follow the Township Comprehensive Plan with regard to building design and materials. All rooftop mechanicals shall be screened from view.
- (P) ~~17.)~~ Building Height Limits- Building Height shall be limited to 40 feet.
- (Q) ~~18.)~~ Landscaping- All yards, front, side and rear, shall be landscaped, and all organized open spaces or non-residential use areas shall be landscaped and shall meet the Landscaping requirements of this Zoning Resolution, unless a variation from these standards is specifically approved as part of the final development plan. A landscape plan showing the caliber, height, numbers, name and placement of all material, prepared by a licensed landscape architect shall be approved as a part of the final development plan.
- (R) ~~19.)~~ Parking- Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan, the parking provisions of this Resolution shall be incorporated, or a divergence requested.
- (S) ~~20.)~~ Signs- Signs shall conform to provisions of this resolution, or request a divergence and be as approved per plan.
- (T) ~~21.)~~ Exterior Lighting- All exterior lighting shall be as specifically approved as part of the final development plan. Fixtures shall be cut-off fixtures and all lighting shall be down lighting. Poles shall not exceed 16 feet in height.
- (U) ~~22.)~~ Building Size Limits – No structure shall contain more than 6550,000 square feet of floor area under one roof.
- (V) ~~23.)~~ Supplemental Conditions and safeguards- The Zoning Commission and/or Board of Trustees may impose additional conditions relating to the development with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.

Section 7407 – Required Findings for PID Approval:

Section 18.07 REQUIRED FINDINGS FOR PID APPROVAL: The Zoning Commission and Trustees may approve an application requesting that property be included in the PID zoning district, provided they find that the proposed use complies with all of the following requirements:

- (A) ~~A.)~~ That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.
- (B) ~~B.)~~ That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
- (C) ~~C.)~~ That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.
- (D) ~~D.)~~ That the proposed plan meets all of the design features required in this Resolution.
- (E) ~~E.)~~ That the proposed development is in keeping with the existing land use character and physical development potential of the area.
- (F) ~~F.)~~ That the proposed development will be compatible in appearance with surrounding land uses.

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~~(G) 6-~~ That the development promotes greater efficiency in providing public utility services and encouraging innovation in the planning and building of all types of development.

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Section 7408 – Process for Amendment:

~~Section 18.08 PROCESS FOR AMENDMENT:~~ Applications for amendment to rezone property to the PID Zoning District may be approved according to one of the following procedures:

~~(A) A-~~ The applicant, being the owner or lessee of the subject real estate, may apply for a zoning map amendment to designate the land as a PID. A preliminary development plan must be submitted with the application. If the application for the zoning amendment is approved, then the zoning map is amended to PID. (This is a legislative act and is subject to referendum.) A final development plan shall be subsequently submitted to the Zoning Commission for review and approval (this is an administrative act and not subject to referendum). This procedure may only be used if the real estate proposed to be rezoned consists of at least 10 acres.

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~~(B) B-~~ The applicant, being an owner or lessee of the subject real estate, may apply for a zoning map amendment to designate the land as a PID and simultaneously submit, along with the application for the zoning amendment, a final development plan acceptable to the Township and in accordance with the final development plan standards set forth herein. (This is a legislative act and is subject to referendum).

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In addition to the procedures set forth in this Zoning Resolution, all applications for amendment to rezone property to the PID district shall comply with the procedures outlined in Ohio Revised Code Section 519.12.

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Following the filing of an application for a PID, the Zoning Commission may schedule a walkabout on the site with the applicant to familiarize all parties with the lay of the land, and the general design intent of the applicant. If a majority of the Zoning Commission is present, the meeting must be advertised in accordance with Ohio law, and minutes kept.

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Section 7409 – Effect of Property Owner Initiated PID Zoning Amendment:

~~Section 18.09 EFFECT OF PROPERTY OWNER INITIATED PID ZONING AMENDMENT:~~ Upon approval of an application for a zoning amendment to rezone property to the PID district, all previous regulations shall no longer be in effect, and the regulations set forth in this Article for the PID designation, as approved, shall prevail.

Section 7410 – Preliminary Development Plan:

Section 18.10 DEVELOPMENT PLANS

~~A Preliminary Development Application~~—Upon application for a PID District, the owner(s) or lessees of lots or land within the Township shall simultaneously submit a preliminary development plan. The preliminary development plan shall show the intended layout of the site.

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Fifteen (15) copies of the preliminary development plan shall be submitted to the Zoning Commission with the PID application. The plan shall include in text and map form, the following:

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~~(A) 1-~~ The proposed size and location of the PID district, at a scale of at least 1" = 200', showing topographic contours of at least 5' intervals, wooded areas, wetlands, adjacent (within 200') structures, 100 year floodplains.

~~(B) 2-~~ Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These are specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township. Materials and colors shall be submitted for approval.

~~(C) 3-~~ The intended general provisions for water, fire hydrants, sanitary sewer and surface drainage. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented.

~~(D) 4-~~ The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights of way, proposed drainage and public utilities.

~~(E) 5-~~ A design of the open space and proposed description of its use and maintenance.

~~(F) 6-~~ Specific statements of divergence, if any, from the development standards in this Article or the general standards of this resolution such as setbacks, parking, landscaping, lighting, signage and so forth.

~~(G) 7-~~ Proposed location of all structures and uses.

~~(H) 8-~~ A traffic impact analysis by a competent traffic engineer acceptable to the Union County Engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.

- ~~(I) 9.) All required design standards set forth in Article IX.~~
- ~~(J) 10.) Emergency service provisions (letter from Fire and Police departments).~~
- ~~(K) 11.) Phasing plans, if any.~~
- ~~(L) 12.) Calculation of net developable acreage.~~
- ~~(M) 13.) Proposed permitted and accessory uses.~~
- ~~(N) 14.) Water supply, sanitary sewage disposal feasibility, gas supply and electric supply shall be indicated in writing by the appropriate agency at the time of the preliminary plan.~~
- ~~(O) 15.) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.~~
- ~~(P) 16.) Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These are specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township. Materials and colors shall be submitted for approval.~~
- ~~(Q) 17.) A lighting plan identifying location, size and spillage for all street and exterior lighting.~~
- ~~(R) 18.) An economic impact plan setting forth the financial impact of the proposed PRD on the Township, the school district, public safety departments and Union County.~~
- ~~(S) 19.) Supplemental Conditions and Safeguards: The Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics may request such additional documentation and/or exhibits as the Township Zoning Commission deems necessary to evaluate the preliminary development plan.~~
- ~~(T) 20.) Additional Fees: The Board of Trustees may elect to retain the services of outside consultants, such as lawyers, architects, engineers, and planners, to assist in the review of a PID preliminary development plan. To the extent such consultants are retained, the applicant shall be obligated to reimburse the Township for all such out-of-pocket expenses incurred in the processing of the application and review of the preliminary development plan.~~
- ~~(U) 21.) Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PID property, the applicant must submit an affidavit from each property owner within the PID stating that the applicant may act as the owner's agent to submit the PID application. Said affidavits shall expire after six (6) months and new affidavits shall be submitted by the applicant at the request of the Township.~~

Section 7411 – Final Development Plan:

B. Final Development Plan —The applicant shall submit seven (7) copies of the final development plan to the Zoning Commission with the application. —Except as otherwise provided in the initial rezoning of property to the PID district, the Zoning Commission shall be the review authority for the final development plan.

The review and approval of the Final Development Plan is an administrative, not legislative act, unless the final development plan is simultaneously submitted with application for the zoning district change.

If, in the opinion of the Zoning Commission, there is a substantial deviation from the approved preliminary development plan, the final development plan shall state the areas of divergence.

The final development plan shall include in text and map form the following:

- ~~(A) 1.) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed PID District.~~
- ~~(B) 2.) The plan will be to scale of at least 1" =100' and will show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, all required design features, and the following:

 - ~~(1) a.) The general development character and the permitted and accessory uses to be located on the tract including the limitations or controls to be placed on all uses, with proposed lot sizes, and minimum setback requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities, common open space areas, and all commonly owned structures shall be shown in detail which identifies the quantity and type and typical section of each. For example, the landscape plan shall identify each plant, shrub or tree, its name, its size at planting and rendering of how that section of the development would look in elevation.~~~~

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- (2) ~~b.)~~ Environmentally sensitive areas such as the 100 year floodplain, wetlands, and slopes greater than 20% shall be mapped. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Union County. To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6%) percent shall be maintained.
- (3) ~~c.)~~ Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These shall also include specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township Zoning Commission. Materials and colors shall be submitted for approval.
- (4) ~~d.)~~ Building heights and dimensions.
- (5) ~~e.)~~ Off-street parking.
- (6) ~~f.)~~ Signs.
- (7) ~~g.)~~ Exterior Lighting: All exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any adjoining property.
- (8) ~~h.)~~ The proposed approved provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness. Pipe sizes and locations, detention basins and drainage structures shall be drawn.
- (9) ~~i.)~~ A traffic impact analysis by a competent traffic engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
- (10) ~~j.)~~ The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- (11) ~~k.)~~ Location of all uses within the site and the location of schools, parks and other public facility sites within or adjacent to the site.
- (12) ~~l.)~~ The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- (13) ~~m.)~~ Specific location of schools, parks and other public facility sites, within or adjacent to the site.
- (14) ~~n.)~~ All design standards from Article IX.
- (15) ~~o.)~~ If the proposed timetable for development includes developing the land (including open space) in phases, all phases developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
- (16) ~~p.)~~ The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
- (17) ~~q.)~~ A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
- (18) ~~r.)~~ A lighting plan identifying location, size and spillage for all street and exterior lighting.
- (19) ~~s.)~~ An economic impact statement setting forth the financial impact of the proposed PRD on the Township, the school district and Union County.
- (20) ~~t.)~~ Specific statements of divergence from the development standards in of this resolution and the justification therefore. Unless a variation from these development standards is specifically approved, the same shall be complied with. Since the Final Development Plan is an exact rendition of what is intended to be built all standards for landscaping, parking and setbacks are per plan.
- (21) ~~u.)~~ Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- (22) ~~v.)~~ The development plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio.
- (23) ~~w.)~~ The manner and method to be utilized in order to achieve and maintain compliance with the general criteria for the PID district.
- (24) ~~x.)~~ The manner in which the applicant will mitigate any nuisance effects of the proposed uses such as, but not limited to:
 - (a) ~~y.)~~ Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards

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enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

(b) ~~ii.)~~ Air Pollution: No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

(c) ~~iii.)~~ Glare, Heat and Exterior Lighting: Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

(d) ~~iv.)~~ Dust and Erosion: Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.

(e) ~~v.)~~ Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

(f) ~~vi.)~~ Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises.

(g) ~~vii.)~~ Odors: No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be met.

(C) ~~h.)~~ Supplemental Conditions and Safeguards: The Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics and may request such additional documentation and/or exhibits as the Township Zoning Commission deems necessary to evaluate the final development plan.

(D) ~~ii.)~~ Additional Fees: The Board of Trustees may elect to retain the services of outside consultants, such as lawyers, architects, engineers, and planners, to assist in the review of a PID preliminary development plan. To the extent such consultants are retained, the applicant shall be obligated to reimburse the Township for all such out-of-pocket expenses incurred in the processing of the application and review of the final development plan.

(E) ~~v.)~~ Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PID property, the applicant must submit an affidavit from each property owner within the PID stating that the applicant may act as the owner's agent to submit the PID application.

Section 7412 – Final Development Plan Approval:

(A) ~~C.~~ Final Development Plan Approval Period- The approval of a final development plan shall be effective for a period of three (3) years, or for such other period as approved per plan, in order to allow for the filing and recording of a final subdivision plat, if platting is required by applicable law, and the commencement of construction of improvements on the site. No zoning amendment passed during the established approval period shall affect the terms under which approval of the final development was granted. If the required final subdivision has not been approved and recorded, and construction commenced within the established approval period, then the final development plan shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new final development has been filed with and approved by the Township, and such application for approval, shall be subject to the same procedures and conditions as an original application for preliminary and final development plan approval. This new application shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PID District.

(B) ~~D.~~ Phasing- Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development.

(C) ~~E.~~ Failure to Maintain- If the approved development plan is not adhered to, or the open space is not properly maintained, the Township zoning administrator may serve written notice of the deficiencies and demand that corrective action be taken. The Township may pursue noncompliance as a zoning violation as provided in this Resolution.

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~~(D) F.~~ Plat Required- If a plat is required by applicable law, no use shall be established or changed, and no building, structure, or improvement shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Union County, Ohio, and this Resolution. The subdivision plat and plan shall be in accordance with the approved development plan and shall include:

~~(1) 1.~~ Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.

~~(2) 2.~~ In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.

~~(3) 3.~~ A request for approval of the final subdivision plat for the entire development shall be filed for approval and the approved final plat recorded within three (3) years after the approval of the final development plan or within such other period as approved per plan.

~~(4) 4.~~ Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land and the improvements thereon and the ownership and maintenance of all Common Open Space.

~~(E) G.~~ Extension of Time/ Modification of Final Development Plan;

~~(1) 1.~~ An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or enlarging the approval period for either a preliminary or final development plan may be granted by the Zoning Commission without public hearing provided the Commission finds that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.

~~(2) 2.~~ A request for minor changes to the final development plan may be approved by the Zoning Commission without being subject to the same procedures as the original application.

~~(3) 3.~~ In the case of a request for a modification or amendment to the approved final development plan that represents a substantial departure from the intent of the original proposal, as determined by the Zoning Commission, said modification or amendment shall be subject to the same procedure and conditions of preliminary and final development plan approval as the original application. The following shall be considered substantial departures from the original application:

~~(a) i.)~~ A change in the use or character of the development;

~~(b) ii.)~~ An increase in overall lot coverage of structures and off-street parking;

~~(c) iii.)~~ An increase in the density;

~~(d) iv.)~~ An increase in the problems of traffic circulation and public utilities;

~~(e) v.)~~ A reduction in approved open space;

~~(f) vi.)~~ A reduction of off street parking and loading space;

~~(g) vii.)~~ A reduction in required pavement widths;

~~(h) viii.)~~ A reduction of the acreage in the planned development;

~~(i) ix.)~~ Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.

~~(F) H.~~ Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Administrator, the Zoning Commission or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved.

~~(G) I.~~ Divergences- The Township, as a part of either preliminary or final development plan approval, may grant divergences from any standard or requirement in this Article. An applicant requesting a divergence shall specifically list each requested divergence on the preliminary and final development plan submittals.

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SECTION 7500 ~~PLANNED MIXED USE DEVELOPMENT~~ DISTRICT ~~PLANNED TOWN CENTER DISTRICT (PMUD|CDPTCD)~~

Section 7501 – Purpose:

I. Purpose:

To promote the Planned Town Center District as the nostalgic heart of the community and as a great urban neighborhood – a compact, pedestrian-oriented district with a diverse mix of residential, commercial and civic uses where people live, work, shop and play. The Planned Town Center District (PTCD) is a Planned Unit Development District adopted pursuant to Ohio Revised Code 519.021(A).

Section 7502 – Objectives:

II. Objectives:

- (A) ~~A. Maintain the historic character of the township.~~
- (B) ~~B. Encourage pedestrian-oriented development at densities and intensities that will help to support Town Center businesses.~~
- (C) ~~C. Within individual buildings, allow a vertical mix of uses between ground level commercial and residential or office units above.~~
- (D) ~~D. Add streetscape elements, other outdoor pedestrian spaces and active ground floor retail uses that encourage activity, sociability, safety and visual appeal.~~
- (E) ~~E. Encourage shared parking among commercial uses.~~

Section 7503 – Permitted Uses:

III. Uses:

A. Permitted Uses

- (A) ~~1. All uses listed as Permitted Uses in the Planned Commercial, Office and Institutional District (PCD) shall be permitted uses in the Planned Town Center District (PTCD) when developed in strict compliance with an approved development plan.~~
- (B) ~~2. Residential multi-family unit buildings shall be permitted in the PTCD. Maximum density for any one parcel or lot shall be twelve (12) units to the acre, but the maximum density for the Planned Town Center District shall not exceed three units per Net Developable Acre.~~

Section 7504 – Conditional Uses:

B. Conditional Uses

There are no conditional uses in the Planned Town Center District (PTCD).

Section 7505 – Prohibited Uses:

C. Prohibited Uses

~~1. All uses listed as Prohibited Uses in the Planned Commercial, Office and Institutional District (PCD) shall be prohibited uses in the Planned Town Center District (PTCD), except those otherwise listed as permitted in Section 7503.~~

Section 7506 – Required ~~CDPTCD~~ Design Features:

IV. Required ~~TCD~~ Design Features:

A. Minimum Tract Size

- (A) ~~100 Acres or as approved per plan~~
- (B) ~~B. Building Types – The following types of buildings are the only building types permitted in the PTCD unless otherwise approved per plan.~~
 - (1) ~~1. Single-story commercial buildings or multi-story mixed-use buildings with commercial uses on the ground floor and office or residential uses on the upper floors. Building entrances shall be at sidewalk grade.~~
 - (2) ~~2. Townhouse residential buildings. Building entrances shall be elevated above sidewalk grade such that the first story is elevated sufficiently from the sidewalk to secure privacy for the windows. The rear grade may match the~~

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height of the floor of the first level to allow for handicap access. Front entrances shall be shared by no more than two (2) residences.

~~(3) 3-Forecourt multifamily residential building. The presence of a courtyard or garden green space at street edge breaks up the building mass. Such a green space may continue through the lot, creating two separate structures, or partially to create a courtyard enclosed on three sides by a single structure.~~

~~(4) 4-Civic / Institutional Buildings and Facilities. Steeples, bell towers and similar architectural features are exempt from height regulations.~~

~~(C) C-Setbacks~~

~~(1) The minimum front yard building setback is zero (0) feet and the maximum front yard building setback is ten (10) feet from the edge of the sidewalk. Areas between the edge of sidewalk and the building shall be landscaped. No interior side setbacks are required except where the PTCO abuts a U-1, R-1 or PRD district, in which case the minimum side yard setback for that district shall apply.~~

~~(2) Parking lots and accessory buildings shall be located behind the principal building. Where access behind the property is not possible from an alley or street, up to fifty (50) percent of the parking may be located at the side of the principal building. If parking is located at the side of the principal building, minimum front yard setback for pavement shall be five (5) feet.~~

~~D-Utilities -~~

~~(D) Centralized water supply and sanitary sewage disposal systems shall be provided, subject to County Sanitary Engineer, Board of Health and Ohio Environmental Protection Agency approval. Feasibility of water supply and wastewater disposal systems shall be indicated by the appropriate agencies at the time of the preliminary plan.~~

~~(E) E-Building Design~~

~~(1) A minimum of sixty percent (60%) and a maximum of eighty five percent (85%) of the front facade between two (2) feet and ten (10) feet above sidewalk grade for buildings with commercial uses on the first floor must be comprised of clear windows that allow view of indoor commercial space.~~

~~(2) A continuous primary facade that exceeds a width of fifty (50) feet shall include vertical elements to break the plane of the building frontage spaced at regular intervals.~~

~~(3) All roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.~~

~~F-Building Height Limits -~~

~~(F) Building Height shall be limited to 50 feet.~~

~~G-Streetscape -~~

~~(G) A five foot wide sidewalk shall be required in front of each building with a five foot landscaped or grassed strip separating the sidewalk from the street pavement. Street trees shall be planted at regular intervals in accordance with the Landscape standards set forth in this Zoning Resolution~~

~~H-Open Space -~~

~~A minimum of thirty percent (30%) of the gross acreage of the PTCO shall be open space of which ten percent (10%) must be Recreational Open Space.~~

~~(H)~~

~~I-Building Size Limits -~~

~~(I) No structure in the PTCO shall contain more than 35,000 gross square feet of floor area under one roof.~~

~~(J) J-Parking~~

~~(1) One and a half off-street parking spaces must be provided for each dwelling unit.~~

~~(2) No off-street parking is required for non-residential uses unless the gross floor area of such use exceeds 5,000 square feet, in which case off-street parking must be provided at a minimum of one space per each 1,000 square feet of gross floor area in excess of 5,000 square feet and a maximum of two spaces per each 1,000 square feet of gross floor area in excess of 5,000 square feet.~~

~~(3) One (1) bicycle parking space must be provided for every forty (40) automobile spaces, with a minimum of six bicycle spaces, in conjunction with any parking facility with more than fifty (50) automobile spaces.~~

~~K-Exterior Lighting -~~

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- (K) ~~All exterior lighting shall be as specifically approved as part of the final development plan. Fixtures shall be cut-off fixtures and all lighting shall be down lighting. Poles shall not exceed 16 feet in height.~~
- ~~L. Supplemental Conditions and safeguards -~~
- (L) ~~The Zoning Commission and/or Board of Trustees may impose additional conditions relating to the development with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.~~

Section 7507 – Minimum Requirements for Approval:

V. Approval:

The Zoning Commission and Trustees may approve an application requesting that property be included in the PTCD zoning district, provided they find that the proposed use complies with all of the following requirements:

- (A) ~~A.) That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.~~
- (B) ~~B.) That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.~~
- (C) ~~C.) That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.~~
- (D) ~~D.) That the proposed plan meets all of the design features required in this Resolution.~~
- (E) ~~E.) That the proposed development is in keeping with the existing land use character and physical development potential of the area.~~
- (F) ~~F.) That the proposed development will be compatible in appearance with surrounding land uses.~~
- (G) ~~G.) That the development promotes greater efficiency in providing public utility services and encouraging innovation in the planning and building of all types of development.~~

Section 7508 – Process for Amendment:

VI. Process for Amendment:

Applications for amendment to rezone property to the PTCD Zoning District may be approved according to one of the following procedures:

- (A) ~~A.) The applicant, being the owner or lessee of the subject real estate, may apply for a zoning map amendment to designate the land as a PTCD. A preliminary development plan must be submitted with the application. If the application for the zoning amendment is approved, then the zoning map is amended to PTCD. (This is a legislative act and is subject to referendum). A final development plan shall be subsequently submitted to the Zoning Commission for review and approval (this is an administrative act and not subject to referendum.)~~
- (B) ~~B.) The applicant, being an owner or lessee of the subject real estate, may apply for a zoning map amendment to designate the land as a PTCD and simultaneously submit, along with the application for the zoning amendment, a final development plan acceptable to the Township and in accordance with the final development plan standards set forth herein. (This is a legislative act and is subject to referendum).~~

In addition to the procedures set forth in this Zoning Resolution, all applications for amendment to rezone property to the PTCD district shall comply with the procedures outlined in Ohio Revised Code Section 519.12.

Upon approval of an application for a zoning amendment to rezone property to the PTCD district, all previous regulations shall no longer be in effect, and the regulations set forth in this Article for the PTCD designation, as approved, shall prevail.

VII. Development Plans:

Section 7509 – Preliminary Development Plan:

A. Preliminary Development Application—Upon application for a PTCD District, the owner(s) or lessees of lots or land within the Township shall simultaneously submit a preliminary development plan. The preliminary development plan shall show the intended layout of the site.

Fifteen (15) copies of the preliminary development plan shall be submitted to the Zoning Commission with the PTCD application. The plan shall include in text and map form, the following:

- (A) ~~A.) The proposed size and location of the PTCD district, at a scale of at least 1" = 200', showing topographic contours of at least 5' intervals, wooded areas, wetlands, adjacent (within 200') structures, 100 year floodplains.~~

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- ~~(B) 2.) Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These are specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township. Materials and colors shall be submitted for approval.~~
- ~~(C) 3.) The intended general provisions for water, fire hydrants, sanitary sewer and surface drainage. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented.~~
- ~~(D) 4.) The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights of way, proposed drainage and public utilities.~~
- ~~(E) 5.) A design of the open space and proposed description of its use and maintenance.~~
- ~~(F) 6.) Specific statements of divergence, if any, from the development standards in this Article or the general standards of this resolution such as setbacks, parking, landscaping, lighting, signage and so forth.~~
- ~~(G) 7.) Proposed location of all structures and uses.~~
- ~~(H) 8.) A traffic impact analysis by a competent traffic engineer acceptable to the Union County Engineer and the Trustees, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.~~
- ~~(I) 9.) All required design standards set forth in Article IX.~~
- ~~(J) 10.) Emergency service provisions (letter from Fire and Police departments).~~
- ~~(K) 11.) Phasing plans, if any.~~
- ~~(L) 12.) Calculation of net developable acreage and proposed density.~~
- ~~(M) 13.) Proposed permitted and accessory uses.~~
- ~~(N) 14.) Water supply, sanitary sewage disposal feasibility, gas supply and electric supply shall be indicated in writing by the appropriate agency at the time of the preliminary plan.~~
- ~~(O) 15.) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.~~
- ~~(P) 16.) Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These are specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township. Materials and colors shall be submitted for approval.~~
- ~~(Q) 17.) A lighting plan identifying location, size and spillage for all street and exterior lighting.~~
- ~~(R) 18.) An economic impact plan setting forth the financial impact of the proposed PRD on the Township, the school district, public safety departments, public utilities and Union County.~~
- ~~(S) 19.) Supplemental Conditions and Safeguards: The Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics may request such additional documentation and/or exhibits as the Township Zoning Commission deems necessary to evaluate the preliminary development plan.~~
- ~~(T) 20.) Additional Fees: The Board of Trustees may elect to retain the services of outside consultants, such as lawyers, architects, engineers, and planners, to assist in the review of a PTC D preliminary development plan. To the extent such consultants are retained, the applicant shall be obligated to reimburse the Township for all such out-of-pocket expenses incurred in the processing of the application and review of the preliminary development plan.~~
- ~~(U) 21.) Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PTC D property, the applicant must submit an affidavit from each property owner within the PTC D stating that the applicant may act as the owner's agent to submit the PTC D application. Said affidavits shall expire after six (6) months and new affidavits shall be submitted by the applicant at the request of the Township.~~

Section 7510 – Final Development Plan:

~~B. Final Development Plan~~—The applicant shall submit seven (7) copies of the final development plan to the Zoning Commission with the application. Except as otherwise provided in the initial rezoning of property to the PTC D district, the Zoning Commission shall be the review authority for the final development plan.

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The review and approval of the Final Development Plan is an administrative, not legislative act, unless the final development plan is simultaneously submitted with application for the zoning district change.

If, in the opinion of the Zoning Commission, there is a substantial deviation from the approved preliminary development plan, the final development plan shall state the areas of divergence.

The final development plan shall include in text and map form the following:

- (A) ~~1.)~~ A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed PTC District.
- (B) ~~2.)~~ The plan will be to scale of at least 1" =100' and will show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, all required design features, and the following:
 - (1) ~~a.)~~ The general development character and the permitted and accessory uses to be located on the tract including the limitations or controls to be placed on all uses, with proposed lot sizes, and minimum setback requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities, common open space areas, and all commonly owned structures shall be shown in detail which identifies the quantity and type and typical section of each. For example, the landscape plan shall identify each plant, shrub or tree, its name, its size at planting and rendering of how that section of the development would look in elevation.
 - (2) ~~b.)~~ Environmentally sensitive areas such as the 100 year floodplain, wetlands, and slopes greater than 20% shall be mapped. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Union County. To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6%) percent shall be maintained.
 - (3) ~~c.)~~ Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These shall also include specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township Zoning Commission. Materials and colors shall be submitted for approval.
 - (4) ~~d.)~~ Building heights and dimensions.
 - (5) ~~e.)~~ Off-street parking.
 - (6) ~~f.)~~ Signs.
 - (7) ~~g.)~~ Exterior Lighting: All exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any adjoining property.
 - (8) ~~h.)~~ The proposed approved provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness. Pipe sizes and locations, detention basins and drainage structures shall be drawn.
 - (9) ~~i.)~~ A traffic impact analysis by a competent traffic engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
 - (10) ~~j.)~~ The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
 - (11) ~~k.)~~ Location of all uses within the site and the location of schools, parks and other public facility sites within or adjacent to the site.
 - (12) ~~l.)~~ The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
 - (13) ~~m.)~~ Specific location of schools, parks and other public facility sites, within or adjacent to the site.
 - (14) ~~n.)~~ All design standards from Article IX.
 - (15) ~~o.)~~ If the proposed timetable for development includes developing the land (including open space) in phases, all phases developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
 - (16) ~~p.)~~ The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
 - (17) ~~q.)~~ A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
 - (18) ~~r.)~~ A lighting plan identifying location, size and spillage for all street and exterior lighting.

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~~(19) s.-~~ An economic impact statement setting forth the financial impact of the proposed PRD on the Township, the school district and Union County.

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~~(20) t.-~~ Specific statements of divergence from the development standards in of this resolution and the justification therefore. Unless a variation from these development standards is specifically approved, the same shall be complied with. Since the Final Development Plan is an exact rendition of what is intended to be built all standards for landscaping, parking and setbacks are per plan.

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~~(21) u.-~~ Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.

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~~(22) v.-~~ The development plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio.

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~~(23) w.-~~ The manner and method to be utilized in order to achieve and maintain compliance with the general criteria for the PTC D district.

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~~(24) x.-~~ The manner in which the applicant will mitigate any nuisance effects of the proposed uses such as, but not limited to:

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~~(a) i.-~~ Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

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~~(b) ii.-~~ Air Pollution: No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

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~~(c) iii.-~~ Glare, Heat and Exterior Lighting: Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property where on the use is conducted.

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~~(d) iv.-~~ Dust and Erosion: Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.

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~~(e) v.-~~ Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

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~~(f) vi.-~~ Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises.

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~~(g) vii.-~~ Odors: No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be met.

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~~(C) t.-~~ Supplemental Conditions and Safeguards: The Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics and may request such additional documentation and/or exhibits as the Township Zoning Commission deems necessary to evaluate the final development plan.

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~~(D) u.-~~ Additional Fees: The Board of Trustees may elect to retain the services of outside consultants, such as lawyers, architects, engineers, and planners, to assist in the review of a PTC D preliminary development plan. To the extent such consultants are retained, the applicant shall be obligated to reimburse the Township for all such out-of-pocket expenses incurred in the processing of the application and review of the final development plan.

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~~(E) v.-~~ Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PTC D property, the applicant must submit an affidavit from each property owner within the PTC D stating that the applicant may act as the owner's agent to submit the PTC D application.

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Section 7511 – Final Development Plan Approval:

~~(A) c.-~~ Final Development Plan Approval Period: The approval of a final development plan shall be effective for a period of three (3) years, or for such other period as approved per plan, in order to allow for the filing and recording of a final

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subdivision plat, if platting is required by applicable law, and the commencement of construction of improvements on the site. No zoning amendment passed during the established approval period shall affect the terms under which approval of the final development was granted. If the required final subdivision has not been approved and recorded, and construction commenced within the established approval period, then the final development plan shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new final development has been filed with and approved by the Township, and such application for approval, shall be subject to the same procedures and conditions as an original application for preliminary and final development plan approval. This new application shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PTCD District.

~~(B) Phasing-~~ Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development.

~~(C) Failure to Maintain-~~ If the approved development plan is not adhered to, or the open space is not properly maintained, the Township zoning administrator may serve written notice of the deficiencies and demand that corrective action be taken. The Township may pursue noncompliance as a zoning violation as provided in this Resolution.

~~(D) Plat Required-~~ If a plat is required by applicable law, no use shall be established or changed, and no building, structure, or improvement shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Union County, Ohio, and this Resolution. The subdivision plat and plan shall be in accordance with the approved development plan and shall include:

~~(1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.~~

~~(2) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.~~

~~(3) A request for approval of the final subdivision plat for the entire development shall be filed for approval and the approved final plat recorded within three (3) years after the approval of the final development plan or within such other period as approved per plan.~~

~~(4) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land and the improvements thereon and the ownership and maintenance of all Common Open Space.~~

~~(E) Extension of Time/ Modification of Final Development Plan;~~

~~(1) An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or enlarging the approval period for either a preliminary or final development plan may be granted by the Zoning Commission without public hearing provided the Commission finds that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.~~

~~(2) A request for minor changes to the final development plan may be approved by the Zoning Commission without being subject to the same procedures as the original application.~~

~~(3) In the case of a request for a modification or amendment to the approved final development plan that represents a substantial departure from the intent of the original proposal, as determined by the Zoning Commission, said modification or amendment shall be subject to the same procedure and conditions of preliminary and final development plan approval as the original application. The following shall be considered substantial departures from the original application:~~

~~(a) A change in the use or character of the development;~~

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- ~~(b) ii.) An increase in overall lot coverage of structures and off-street parking;~~
- ~~(c) iii.) An increase in the density;~~
- ~~(d) iv.) An increase in the problems of traffic circulation and public utilities;~~
- ~~(e) v.) A reduction in approved open space;~~
- ~~(f) vi.) A reduction of off street parking and loading space;~~
- ~~(g) vii.) A reduction in required pavement widths;~~
- ~~(h) viii.) A reduction of the acreage in the planned development;~~
- ~~(i) ix.) Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.~~

~~(F) H. Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Administrator, the Zoning Commission or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved.~~

~~(G) I. Divergences- The Township, as a part of either preliminary or final development plan approval, may grant divergences from any standard or requirement in this Article. An applicant requesting a divergence shall specifically list each requested divergence on the preliminary and final development plan submittals.~~

~~**Section 7501 – Planned Mixed Use Development District Purpose:**~~

~~The purpose of the Planned Mixed Use District (PMUD) is to provide a permissive, voluntary, alternate zoning and subdivision platting procedure, in order to encourage imaginative architectural design, flexibility in building styles and types, proper relationships between buildings and between buildings and the land, to permit development of the land in an orderly, coordinated, sustainable and comprehensive manner by preserving the natural quality and beauty of the land and to provide supporting community facilities in the development of diverse, sound, urban environments consistent with accepted land planning, landscape architecture practices and engineering principles under conditions of approved site and development plans.~~

~~**Section 7510 – Permitted Uses:** All permitted uses allowed in all standard zoning districts except the Limited Manufacturing District, as provided for in this ordinance.~~

~~**Section 7520 – Conditional Uses:** All conditional uses allowed in all standard zoning districts except the Limited Industrial District, as provided for in this ordinance.~~

~~**Section 7530 – Listing of Uses in Text:** The applicant shall list in the development standards text all permitted, conditional, accessory, and prohibited uses of the PMU District as applied to the specific tax parcels that are subject to the proposed rezoning. A certificate of zoning compliance will not be issued for uses not listed in the development standards text without approval of the Zoning Commission.~~

~~**Section 7540 – Densities and Open Space:**~~

- ~~a. **Maximum Gross Density:** Eight (8) units per gross residential acre unless traditional neighborhood development (TND) standards are utilized; Ten (10) units per gross residential acre if TND standards are utilized.~~
- ~~b. **Open Space Requirements:** Thirty percent (30%) of the gross site shall be common open space. Additionally, 50% common open space will be required in single family areas of the development. Additional common open space may be required if TND standards are utilized.~~

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Section 7550—Traditional Neighborhood Development (TND) Standards—Design Objectives:

TND projects should establish a neighborhood which:

1. Is physically recognizable and limited in size.
2. Residential, commercial, office, institutional, and recreational uses are in close proximity to one another thereby maximizing transportation choice and reducing the number and length of motor vehicle trips, traffic congestion, and need for road widening. Compatibility of buildings, uses, and other improvements is determined by their arrangement, scale, character, and landscaping to establish a livable, harmonious, and diverse environment.
3. Establishes a hierarchy of streets serving equitably the needs of the pedestrian, the bicyclist, and the motorist. Streets are interconnected and blocks are small.
4. Places civic buildings and public squares in prominent locations that act as landmarks, symbols and focal points for community identity. Such buildings and squares provide places of assembly for social activities.
5. Links civic buildings, squares, and parks with pedestrian paths and greenways to provide places for social activity and recreation.
6. Includes private buildings forming a consistent, distinct edge, spatially delineating the public street space and the private block interior.
7. Includes architecture and landscape that are consistent with the unique character of the region.
8. Provides defined public spaces such as streets and squares, allowing citizens to know each other and watch over their collective security.
9. Provides a full range of housing types and work places, allowing all age groups and economic classes to integrate in an authentic community.
10. Provides trees of the same size, shape or type to create visual continuity and a unified appearance, but with a mix of species.

Section 7560—Traditional Neighborhood Development (TND) Standards—Design Criteria:

- 1) The entire land area of the TND shall be divided into blocks, streets, and lots, and optional edge areas.
- 2) The development shall contain a mix of residential, commercial, office, and recreational uses. When a TND is adjacent to or complements an existing commercial/office area, commercial and office uses may be omitted from the development pending approval of the Zoning Commission and provided adequate automobile and pedestrian linkages are established that integrates the areas.
- 3) Similar land uses (uses within the same land use category) shall generally face across streets. Dissimilar uses, when adjacent, shall abut at rear lot lines.
- 4) The TND shall contain a square generally within the center of each neighborhood or as deemed appropriate by the Zoning Commission.
- 5) Neighborhoods shall be limited in size or shape to allow residents to walk to the neighborhood square.
- 6) Alleys shall be permitted and encouraged. However, no residential lot shall front on an alley.

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Section 7560—Traditional Neighborhood Development (TND) Standards—Design Criteria (Continued):

- 7) All streets and alleys shall connect to other streets within the TND. All streets shall connect to existing and projected streets outside the TND, when possible. Cul-de-sacs, T turnarounds and gated or dead-end streets are not permitted within the TND.
- 8) Sidewalks, pedestrian paths, bicycle paths, and local streets shall connect a neighborhood's residences, shopping, employment, and recreation areas.
- 9) Streets shall be twelve (12) feet in width per travel lane. No street shall exceed two (2) travel lanes.
- 10) The design speed of streets shall not exceed 25 miles per hour.
- 11) Parallel parking shall be located adjacent to commercial and office lots when such lots front a square, park, or plaza. Otherwise, parallel parking is encouraged.
- 12) Consistent build-to lines shall be established along all streets and public space frontages. This build-to line shall determine the width and ratio of enclosure desired for each street or public space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages.
- 13) All buildings shall have their main entrance opening to a street or square (except outbuildings).
- 14) No more than 20 feet of horizontal distance of wall shall be provided without facade articulation or architectural relief for building walls and frontage walls facing the street. Façade articulation or architectural relief can include, but is not limited to, pilasters, windows, pedestrian entrances, arcades, awnings, shutters and canopies, or other types of building massing that modulates the building mass or surface texture. Façade articulation shall maintain a distinction between the street level story and upper stories.
- 15) The rhythm established by the repetition of the facade elements shall be maintained.
- 16) All outdoor mechanical equipment, such as heating, air conditioning, and ventilation systems, must be placed on the roof, in the rear or side of the building, or otherwise visually screened from the street. In no case shall mechanical equipment be allowed along street frontage(s). Mechanical equipment on the roof shall be screened from abutting streets with parapets or other types of visual screening.
- 17) A comprehensive sign program is required for the entire TND which establishes a uniform sign theme. Signs shall share a common style (color scheme, type, size, material), as approved by the Zoning Commission.

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ARTICLE VIII – PLANNED UNIT DEVELOPMENT DISTRICT – TYPE B PRESERVED

Section 8000 – Overview of Planned Unit Development (PUD) – Type B:

The Planned Unit Development District (PUD) regulations are based on the premise that the ultimate quality of a built environment or development proposal is determined not only by the type, character and allocation of land uses but also by the way in which such land uses are executed. In many cases, the subdivision regulations and standard zoning district regulations and procedures do not adequately regulate the design of buildings or enable the range of uses in a single zoning district that are appropriate in the Township.

This section is organized as authorized under Ohio Revised Code Chapter 519.12(B). The action of the Township upon a rezoning application processed pursuant to this section shall be considered a legislative act, and is subject to referendum. Any action related to the subsequent use or development of property in a planned unit development, being in compliance with regulations established as authorized by this division shall not be considered to be an amendment to a township zoning resolution for the purpose of Section 519.12 of the Ohio Revised Code, but may be appealed pursuant to Chapter 2506 of the Ohio Revised Code.

Section 8010 – Purpose of the Planned Unit Development District – Type B:

The purposes of the Planned Unit Development District requirements are to:

- a) Provide an opportunity for a mix of land uses otherwise not permitted within the standard zoning district classifications.
- b) Allow the creation of development standards that respect the unique characteristics, natural quality and beauty of the site and the immediate vicinity and protect the community's natural resources by avoiding development on, and destruction of, sensitive environmental areas.
- e) Enable greater review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.
- d) Assure compatibility between proposed land uses within and around the PUD District through appropriate development controls.
- e) Pursue the housing and economic development goals of Millcreek Township.
- f) Promote economical and efficient use of land and reduce infrastructure costs through unified development.
- g) Provide for supporting community facilities.
- h) Establish objective criteria for development plan review that ensure conformity to community and district standards and allow for consistent treatment throughout.
- i) Encourage unified development projects that exhibit creative planning and design in ways that cannot be achieved through a standard zoning district or subdivision regulation, yet are consistent with all applicable plans, including but not limited to, the Millcreek Township Comprehensive Growth Plan, the Union County Thoroughfare Plan, infrastructure system, contiguous land uses, and the intent of the Zoning and Subdivision Regulations.
- j) Encourage imaginative architectural design.

Section 8010 – Purpose of the Planned Unit Development District – Type B (Continued):

- k) Encourage proper relationships between buildings, between developments and between structures and the land.
- l) Encourage development of the land in an orderly, coordinated and comprehensive manner consistent with accepted land planning, landscape architecture practices and engineering principles according to approved development plans.

Section 8020 – PUD Type B General Processes:

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~~The Planned Unit Development District regulations assist in accomplishing these purposes by establishing review steps that combine the request for a zoning with the development plan review process, and when applicable, the subdivision process. Subsequent plan review following the zoning amendment also requires simultaneous review of subdivision plats.~~

- ~~a) Each Planned Unit Development District shall be considered a separate and unique zoning district wherein a preliminary development plan, including associated text depicting the specific development standards, is adopted simultaneously with the amendment of the zoning map to apply the PUD designation. The preliminary development plan shall apply only to the property within that particular Planned Unit Development District.~~
- ~~b) Planned Unit Development Districts adopted and established in accordance with the provisions of this chapter and the requirements contained herein shall take precedence over any conflicting regulations contained in the Zoning Resolution and Subdivision Regulations.~~

Section 8030 – PUD Type B Ownership:

~~The Planned Unit Development District shall be an integrated, unified development project wherein the entire project area shall be in joint ownership or control at the time the application is made for the PUD designation so that all property owners are applicants. Any transfer of land within the development resulting in ownership within the development by two or more parties after an application has been filed shall not alter the applicability of the regulations contained herein. A preliminary development plan approved in accordance with these or previous regulations for a Planned Unit Development District shall be binding upon the owners, their successors and assigns and shall limit and control the issuance and validity of all certificates of zoning compliance.~~

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Section 8040 – Status of Previously Approved Planned Unit Development Districts:

~~Existing Planned Unit Development Districts – Planned Unit Development Districts and all associated development plans and supporting documentation adopted prior to the effective date of these Planned Unit Development District regulations shall continue in effect and be considered legally conforming under this Resolution. The procedures for the implementation of those developments must conform to the regulations indicated in this code. Such Planned Unit Developments include all Planned Unit Development Districts (PUD) and their preliminary development plans and all supporting documentation adopted pursuant to the Planned Unit Development District regulations existing at the time of adoption of this Zoning Resolution.~~

Section 8041 – PUD Districts – Type B – Consistency of Terms:

~~For the purposes of this resolution, plans including all supporting documentation adopted at the time of rezoning shall be referred to as preliminary development plans, and plans including all supporting documentation approved subsequent to such rezoning shall be referred to as final development plans.~~

Section 8042 – PUD Districts Type B – Changes to Preliminary Development Plans:

~~A change to an adopted preliminary development plan shall be considered to be a zoning amendment and shall be reviewed according to the procedures set forth in Section 6100 and the plan approval criteria set forth in Section 6100~~

Section 8050 – PUD Districts Type B – Final Development Plans:

~~A final development plan shall be required for each phase of development in a Planned Unit Development District. If the construction drawings for a particular phase have already been approved as of the effective date of this subchapter, the completion and submission of a final plat in accordance with Subdivision Regulations shall complete that portion of the project.~~

~~An application for review of a final development plan for a Planned Unit Development District established prior to the effective date of these Planned Unit Development District regulations shall follow the procedural steps set forth in Section 6104 through 6106 and Sections 4330 through 4480, shall include the submission requirements set forth in Section 6107 and 6108, and shall be evaluated according to the plan approval criteria set forth in Section 6106.~~

~~Final subdivision plats. Applications for final subdivision plats for phases of Planned Unit Development Districts that are yet to be approved or for changes to previously approved plats shall be reviewed according to the subdivision review procedures of Union County.~~

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Section 8060 – Establishment of Planned Unit Development District, Type B:

A request for rezoning to a Type B PUD District after the effective date of these regulations shall be established according to the following: _____

A Preliminary Development Plan shall be reviewed by the Zoning Commission and the Township Trustees. If the rezoning request is approved by the Zoning Commission and adopted by the Township Trustees, the Preliminary Development Plan and supporting documentation shall also be adopted.

Detailed final development plans shall be reviewed and acted upon by the Zoning Commission and forwarded to the Township Trustees.

A preliminary subdivision plat (County) may be reviewed simultaneously with a preliminary development plan. A final subdivision plat (County) shall be reviewed simultaneously with a final development plan, unless a final plat has already been approved or is not required for completion of the project. All subdivision plats shall be reviewed and approved by the Zoning Commission and by the Union County Engineer according to the Union County Subdivision Regulations.

Section 8070 – Type B PUD General Development Criteria – Plan Design:

A Type B PUD shall be designed and depicted on the preliminary development plan and final development plan in accordance with the following general development criteria:

The proposed PUD shall be designed in accordance with accepted planning principles, including the planning and development principles included in this section, to ensure that the use of land, buildings and other structures; the building location, bulk, layout, arrangement, design, and height; the percentages of lot areas that may be occupied; the setback of buildings; the sizes of yards and other spaces; and the density of population are in compliance with the purposes and objectives of the PUD regulations as set forth.

Section 8071 – Type B PUD – General Development Criteria – Permitted & Conditional Uses:

A PUD may include any combination of uses when such use(s) are found to be compatible with one another and in keeping with the intent of these general development criteria, provided the proposed location of the uses will not adversely affect adjacent property and/or the public health, safety and general welfare.

- a) The list of specific uses to be included in the proposed PUD shall be clearly delineated in the preliminary development plan and its supporting documentation.
- b) Uses shall be identified as either permitted uses or conditional uses.
- c) Listed uses shall be defined by their customary name or identification, except where they are specifically defined or limited in this Zoning Resolution.
- d) Any listed use may be limited to areas delineated in the preliminary development plan.

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Section 8072 – Type B PUD – Planning and Development Principles:

The proposed PUD shall be designed in accordance with the following planning and development principles – Arrangement of Use Areas:

- a) Buildings and uses within the proposed development shall be located to reduce any adverse influences and to protect and enhance the character of areas adjacent to the development;
- b) Whenever a proposed development includes areas of a higher intensity than that permitted in adjacent areas, the location and arrangement of use areas shall include appropriate buffers, open spaces, setbacks, or other transitional areas to ensure compatibility with the lower intensity areas.
- c) Buildings, structures and parking areas shall be designed and located within the PUD in ways that conserve environmentally sensitive or unique natural, historic, or cultural features, and minimize environmental impacts.

Section 8073 – Type B PUD – Planning & Development Principles – Buildings & Yards:

The physical relationship of buildings and other site improvements to one another and the surrounding open space, as created by building size, mass, height, shape, and setback, shall result in a harmonious development within the PUD and adjacent to it.

The bulk and height of buildings within the proposed development shall be compatible with the surrounding development and sufficiently buffered from the surrounding development to mitigate any potential adverse impact(s).

Section 8074 – Type B PUD – Planning & Development Principles – Landscaping & Screening:

- a) The pattern of landscaping shall be coordinated in design and type of materials, mounding and fencing used. Landscaping may vary in density, spacing and other treatments to reflect variations of topography, existing landscape or land uses.
- b) Privacy for residential buildings shall be maintained through the use of landscaping, screening and buffering.
- c) Appropriate buffer zones with adequate landscaping shall be provided between the proposed development and adjacent areas.
- d) Alternative design approaches to meet the intent of the landscape regulations may be incorporated.

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Section 8075 – Type B PUD – Planning & Development Principles – Open Space:

Adequate open spaces shall be integrated throughout the development to meet the objectives of the Community Plan and shall comply with the open space requirements set forth in the Union County Subdivision Regulations. Type B PUDs that include residential uses shall include open space that is located and designed as follows:

- a) Open space shall be sufficiently aggregated to create large useable areas of planned open space.
- b) Open space shall conserve significant natural features within the PUD to the extent practicable.
- c) Open space shall provide a scenic natural environment along existing public streets characterized by large building setbacks that enable the preservation of natural features.
- d) All open space shall be easily accessible to residents of the PUD.
- e) Where possible, open space areas shall be connected with open space areas on abutting parcels, and wherever possible, by open space corridors.

Section 8076 – Type B PUD – Planning & Development Principles – Protection of Natural Features:

- a) Trees shall be preserved, protected, and replaced in compliance with the requirements set forth in Article XIII.
- b) A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. Walkways may be permitted to be located within riparian buffers when the Planning and Zoning Commission determines that such will create minimal change to the riparian buffer.
- c) Floodplains shall be protected in compliance with Section 9400-9800.
- d) Wetlands that are to be retained in their natural state within the PUD shall be protected. A buffer area not less than 25 feet in width measured from the edge of the delineated wetland shall be provided along the entire perimeter of the designated wetland. The buffer area shall not be disturbed and shall be retained in its natural state. Minimum building and pavement setbacks to protect such wetlands and buffer areas shall be established and shall be measured from the edge of such wetlands.

Section 8077 – Type B PUD – Planning & Development Principles – Pedestrian Circulation Systems:

A pedestrian circulation system shall be included and designed to provide convenient and safe pedestrian access throughout the PUD, and to connect to neighboring developments and community facilities. The pedestrian circulation system may include sidewalks and other walkways not located along streets. Trails with public right of passage should be incorporated in the pedestrian circulation system.

Bike paths and other trail systems—Trail systems for bikes and other purposes shall be included and designed in accordance with the city's plan for bike paths. Such trail system shall have a minimum width of eight feet and be properly buffered from any adjacent residential areas.

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Section 8078 – Type B PUD – Planning & Development Principles – Off Street Parking Provided:

The layout of parking areas, service areas, and related entrances, exits, signs, lighting, noise sources or other potentially adverse influences shall be designed and located to protect the character of the area and as well as those areas adjacent to the development.

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Section 8079 – Type B PUD – Planning & Development Principles – Signs:

All signs and graphics within the PUD shall be compatible in size, location, height, material, shape, color and illumination.

A sign plan for the entire PUD shall set forth the design parameters for the entire project to ensure a consistent and comprehensive character throughout the project. The sign plan shall include the design, layout, and dimensions of all ground, window and wall signs as well as distances from rights-of-way and the type and intensity of illumination.

Signs should contribute to an overall cohesive design, reflect simplicity, and avoid visual clutter. The overall design and placement of buildings should take into account the general placement of signs so that all permanent signs and their associated lighting fixtures complement the appearance and architecture of the buildings and the PUD, but do not contribute to environmental degradation. Ground signs should be designed to relate to and share common design elements with the building. The materials and colors of the sign, sign background and sign frame should be compatible with the building's materials and colors.

Section 8080 – Type B PUD – Planning & Development Principles – Street Design and Vehicular Circulation:

The proposed vehicular circulation system shall provide adequate connections to the existing street network.

The area of the project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement and access.

▲ Street alignments should be designed to conserve natural features and minimize the need for cut and fill practices.

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The function of adjacent thoroughfares shall be maintained by limiting access points to the minimum needed, relating them to existing access points, the street patterns on surrounding development, the Thoroughfare Plan and the intensity of proposed uses.

▲ Private streets as a common easement may be used to provide access to clustered lots and/or structures.

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Street lighting and street signs shall be adequate for safety and security but to prohibit light pollution. The applicant shall provide and construct on-site and off-site street improvements for the PUD in accordance with the requirements of the Union County Subdivision Regulations and consistent with recommendations included in traffic studies and with any agreements submitted as supporting documentation for the PUD.

The design and locations of streets and parking areas shall comply with the requirements set forth in the Union County Subdivision Regulations.

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Section 8090 – Type B PUD – Planning & Development Principles – Utilities:

The applicant shall provide and construct on-site and offsite water, sewer and other infrastructure improvements for the PUD in accordance with the requirements the Union County Subdivision Regulations and the Union County Health Department and consistent with any agreements submitted as supporting documentation for the PUD.

Section 8100 – Type B PUD – Planning & Development Principles – Project Phasing:

If the PUD is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, utilities, and other public improvements to serve the development in accordance with the applicable criteria set forth above. Each phase shall be provided with temporary and/or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property. Open space areas shall be reasonably proportioned in each phase of the project, and the proposed construction of any recreation facilities shall be clearly identified on a phasing plan.

Section 8110 – Type B PUD – Planning & Development Principles – Common Facilities:

Common facilities and park areas, regardless of ownership, may be required to be maintained. Adequate access shall be provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

Section 8120 – Type B PUD – Planning & Development Principles – Compliance with Existing Supplemental Development Standards:

Unless otherwise stated and varied in the development standards text, the standards contained in the Millcreek Township Zoning Resolution that pertain to the specific uses or land development in the PUD shall be applicable. Such standards include, but are not limited to:

1. Floodplain protection
2. Landscaping requirements
3. Tree preservation, protection and replacement requirements
4. Sign regulations
5. Off street parking and loading requirements
6. Subdivision requirements set forth in the Union County Subdivision Regulations
7. Provisions of the Residential Design Standards
8. Requirements for storm water management set forth in the Union County Subdivision Regulations

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Section 8130 – Type B PUD – Planning & Development Principles – Unique Requirements:

Requirements and guidelines that are necessary to ensure that the proposed PUD complies with the intent of these PUD District regulations shall be clearly delineated in the development standards text submitted as part of the preliminary development plan.

All requirements that are necessary to ensure the PUD is consistent with the Community Plan and compatible with the surrounding development, including, but not limited to:

- a) The list of permitted and conditional uses;
- b) The maximum density for each use area;
- c) Standards for the protection of natural features;
- d) The major vehicular, pedestrian and bike circulation system;
- e) Setbacks and buffer standards for the perimeter of the PUD district and between subareas and differing land uses; and
- f) Any unique development standards or other standards that are determined essential for the project.
- g) All other provisions that set forth the methods for complying with the general development criteria.

Section 8770 – Type B PUD – Rezoning Procedures:

The purpose of this section is to provide adequate review of applications for Type B Planned Unit Developments. Review of applications for Planned Development Districts shall be conducted in compliance with rezoning and other district regulations sections of this Resolution and the following general provisions.

Section 8771 – Type B PUD – Review for Completeness:

Each planned development application shall be reviewed for completeness and compliance with the applicable submission requirements. If the application is deemed insufficient, the Zoning Administrator shall notify the applicant of the deficiencies. Only complete applications with all fees paid, shall be placed on the Zoning Commission agenda for consideration.

Section 8772 – Type B PUD – Previously approved Planned Development Districts:

PUD Districts, including development plans and development standards text adopted prior to the effective date of these PUD District regulations shall continue in effect and be considered legally conforming under this code. However, the procedures for the implementation of those developments must conform to the regulations indicated in this code.

Section 8773 – Type B PUD – Subdivision Plat Approval:

If the proposed development includes the subdivision of land, the development shall be subject to the requirements of the plat approval process in accordance with the Union County Subdivision Regulations, including any subsequent changes to subdivision plats. Preliminary development plan approval and preliminary subdivision plat approval may proceed simultaneously. Final development plan approval and final plat approval shall proceed simultaneously, unless a final plat has already been approved or is not required for completion of the project.

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ARTICLE IX – DESIGN STANDARDS

SECTION 9000 – RESIDENTIAL DESIGN STANDARDS

Section 9001 – Residential Design Standards Purpose:

The purpose of this section is to implement the Comprehensive Land Use and Growth Plan and subsequent plans while promoting the health, safety and general welfare of the residents of Millcreek Township by encouraging high quality in the siting, organization, and construction of new residential developments and neighborhoods by;

- (A) Promoting new residential developments that are distinctive, have character, and relate and connect to established Township character;
- (B) Encouraging site planning that accommodates and responds to the existing natural and built environment on and adjacent to the site, including preservation of existing trees, vegetation, wildlife habitat, stream corridors, and wetlands;
- (C) Encouraging organization of new residential developments into cohesive neighborhoods that are safe, walkable, bikable, and pedestrian friendly;
- (D) Encouraging connections within and between new residential neighborhoods and adjacent and surrounding neighborhoods (existing or planned), land uses (such as schools, shopping, and employment), and parks and open space/trail systems;
- (E) Providing variety in housing design and types in order to promote more lifestyle options in Millcreek Township;
- (F) Providing variety in housing design and types in order to reduce the adverse, visual monotony of home designs often associated with large-scale residential subdivisions; and
- (G) Encouraging housing siting and design that emphasizes light, privacy, and resident access to outdoor space and recreation.

Section 9002 – Residential Design Standards Applicability:

All new residential subdivision PRDs and PTCDs applications approved after the effective date of this ordinance in Millcreek Township shall comply with all the standards set forth herein.

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Section 9003 – Residential Design Standards Building Connections:

These standards are intended to provide for safe, visible and convenient pedestrian and bicycle movement on-site and to provide the opportunity to connect to surrounding areas.

- (A) All sidewalks and pedestrian / bicycle pathways must comply with the Americans with Disabilities Act (ADA) standards.
- (B) A system of public concrete sidewalks, from four-foot to ten-foot wide and four inches thick, or according to the Union County Subdivision Regulations, which ever is more stringent, shall be provided. Pedestrian/bicycle pathways shall range from eight-foot to ten-foot wide, four-inch thick asphalt or concrete.
- (C) Sidewalks or pedestrian pathways shall be provided on-site connecting the site and public sidewalks; all principal buildings on the site; parking lots and principal buildings on the site and where logical connections to off-site locations can be made as in the Union County Recreation Master Plan or other appropriate planning documents. In no event is the placement of a sidewalk or pedestrian pathway intended to displace existing landscaped areas or to duplicate existing pedestrian routes.
- (D) Where it is necessary for the primary pedestrian route to cross any street with a classification of collector or higher (by the Union County Engineer), the pedestrian crossing shall be designed to emphasize and prioritize pedestrian access and safety. Such crossings shall be identified using pavement treatments, signals, lighting, traffic calming techniques, median refuge areas and/or landscaping along with signs and striping.
- (E) A system of pathways –separated from roads used by vehicular traffic- shall be provided for the use of bicyclists throughout and to and from the site. Off-street routes may be combined with pedestrian sidewalks or pathways and where combined shall be a minimum of ten (10) feet wide to accommodate the amount of pedestrian and bicycle traffic volumes expected to use the sidewalks or pathways.
- (F) Where adjacent to commercial areas or an existing or a planned trail system, developments shall provide ten-foot wide direct walkways on site that allow residents to walk to nearby shopping services, and recreational amenities.
- (G) The design of all through-access drives shall be consistent with, and aligned with, local streets in adjacent existing development sites, where possible.
- (H) The street and roadway system shall provide multiple points of connectivity from the site to the external arterial street system in the one (1) square mile section in which the site is located.
- (I) **Multi-family development.**
 - (1) Multi-family developments between five (5) and fifteen (15) acres shall include a minimum of one public street or private drive, with detached sidewalks and six-foot landscaped planting strips along side the drives, that are continuous through the site, and connects to a public street on either end (referred to as a “through-access drive”).
 - (2) Multi-family development sites greater than fifteen (15) acres shall include a minimum of two (2) through-access drives with detached sidewalks and six-foot landscaped planting strips.

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Section 9010 – Residential Design Standards - Building Orientation & Materials:

- (A) Every front façade with a primary entrance to a dwelling unit or units shall face the adjacent public street to the maximum extent possible. Every front façade with a primary entrance to a dwelling unit or units shall include a connecting walkway from the primary entrance to the perimeter street sidewalk system.
- (B) Every building containing four (4) or more dwelling units shall have at least one (1) building entry or doorway facing any adjacent street that is not an arterial street or that has on-street parking.
- (C) Multi-family buildings within a development shall be arranged to enclose and frame common areas, which may include gardens, courtyards, recreation, and play areas. Such common areas shall contain at least four (4) of the following features:
 - (1) ~~i~~—Planting areas containing annuals, perennials and/or flowering shrubs;
 - (2) ~~ii~~—Large, flowering trees;
 - (3) ~~iii~~—Seating;
 - (4) ~~iv~~—Pedestrian-scaled lighting;
 - (5) ~~v~~—Gazebos or other decorative structures;
 - (6) ~~vi~~—Play structures for children;
 - (7) ~~vii~~—Natural environmental features.

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Section 9020 – Residential Design Standards – Neighborhood Identity Features:

The purpose of this section is to provide an organizational framework or structure for the layout of new residential subdivisions. On a neighborhood-wide scale, residents will have easy access to at least one central neighborhood identity feature or gathering place (i.e. neighborhood park or recreation center). Such neighborhood identity features lend a “sense of place” to a new subdivision, thereby encouraging people to connect with their physical surroundings and interact with their neighbors. A neighborhood identity feature shall be provided within all eligible single-family, two-family, multi-family and mixed use residential developments.

▲ Identity features may include a school (as approved by the appropriate school district), pocket park, pedestrian plaza or courtyard, community (clubhouse) building or garden, artwork such as a sculpture, water feature, fountain, picnic/barbeque area, or playground. Signage, fencing, and/or other aspects of a required perimeter treatment and required pedestrian and bike paths shall not be counted as an identity feature. In no event shall an identity feature credit be given for items that are required by other provisions of the subdivision code, such as parkland dedication requirements, landscaping or perimeter treatment.

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▲ A mechanism shall be defined and established by the developer to ensure approval and perpetual maintenance of all neighborhood identity features, per the development agreement.

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Section 9021 – Residential Design Standards - Neighborhood Identity Feature Table:

Where the number of acres and the number of dwelling units proposed in a development results in two different numbers of required identity features, the larger number of required identity features shall be used.

Size of Residential Development (Residential Acreage, Dwelling Units)	Number of Required Features
Under 5 acres or up to 20 dwelling units	None
5 - 10 acres or 21 - 50 dwelling units	One
11 - 50 acres or 51 - 150 dwelling units	Two
51 - 100 acres or 151 - 300 dwelling units	Three
Over 100 acres or over 301 dwelling units	Four

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Section 9022 – Residential Design Standards – Neighborhood Identity Credit:

The Township shall give credit for identity features as follows:

~~1.~~ A system of special trails through the development shall count as one (1) identity feature. Special trails should be designed to provide interesting and distinct areas, for example, equestrian trails, crushed fines trail with collared edges intended for the preservation of wetland and natural riparian areas; decking or boardwalk trails, or in areas separate from and in addition to traditional sidewalks. Trails shall be designed and constructed using designs appropriate for the location as approved by the Zoning Commission.

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~~2.~~ (A) A pocket park (of up to five (5) acres in size) shall count as one (1) identity feature. A park of 10 acres shall count as two (2) identity features. One neighborhood identity credit will be given for each five acre increment of contiguous parkland set aside. All parkland, submitted as an identity feature must be deeded to the Township.

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~~3.~~ (B) A water feature, fountain, or artwork such as a sculpture, shall count as one-half (1/2) identity feature.

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~~4.~~ (C) Play grounds with commercial grade equipment shall each count as one (1) identity feature. Such features shall be reviewed and approved by the Zoning Administrator.

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~~5.~~ (D) Plazas, courtyards, or community gardens with collars to define garden edges, which cover at least one thousand (1,000) square feet in size shall each count as one (1) identity feature.

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~~6.~~ (E) A community (clubhouse) building at least two thousand (2,000) square feet in size shall count as two (2) identity features.

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~~7.~~ (F) An in-the-ground swimming pool site at least (2,000) square feet in size shall count as two (2) identity features. If these facilities are utilized, they shall be maintained by the property owner/developer or homeowner's association.

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~~8.~~ (G) Other features may be considered credit toward meeting the identity feature requirement, subject to approval by the Zoning Commission.

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~~9.~~ (H) Other features may be considered credit toward meeting the identity feature requirement, subject to approval by the Zoning Commission.

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Section 9030 – Residential Design Standards – Mix of Residential Lot Dimensions Required:

All residential subdivisions containing twenty (20) or more lots for single-family dwellings shall provide a mixture of lot sizes and dimensions. For example, larger and wider lots are encouraged on corner lots, while smaller lots are encouraged adjacent to parks and open spaces. The intent of this section is to have developers distribute similar lot sizes throughout a subdivision rather than consolidate them in one area.

(A) Lot sizes of less than 5,999 square feet in size shall not comprise more than 15 percent of any subdivision.

(B) Lots ranging from 6,000 to 6,999 square feet in size shall not comprise more than 50 percent of any subdivision.

(C) At least 20 percent of all lots within the subject subdivision shall range from 7,000 to 12,499 square feet.

~~(D)~~ (D) At least five (5) percent of all lots within the subject subdivision shall be 12,500 square feet of greater.

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Section 9031 – Residential Design Standards – Mix of Different Housing Models Required:

A minimum of ten (10) different house models shall be provided in all single-family and two-family developments containing more than one hundred (100) lots or dwelling units. Single-family and two-family developments containing less than one hundred (100) lots shall have at least eight (8) different models.

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Section 9032 – Residential Design Standards – Complementary Architecture:

All homes shall be designed with complementary styles, details, trim features, and roof treatments.

Section 9033 – Residential Design Standards – Required Features:

- (A) Eaves – All single family and two-family structures shall have a minimum of 8 inch eaves on the major roof line of all sides.
- (B) Basements – All single family and two-family structures shall have basements.
- (C) Exterior trim – All windows and doors shall have minimum 4 inch width exterior trim.

Section 9034 – Residential Design Standards – Design Features:

House models shall have at least four (4) of the following features, which serve to distinguish them from other house models:

- (A) The placement of windows and doors on the front façade elevation (at least a two (2) foot vertical or horizontal variation in size or location is required).
- (B) The use of different exterior materials on the front façade elevation.

i.(1)—At least fifty (50) percent of the models have at least 35 percent of the front façade elevation (not including window and door areas and related trim areas) clad in brick, stone, stucco, or other Township approved masonry material.

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ii.(2)—~~BB~~brick or other approved masonry materials shall wrap around inside corners and return a minimum of two (2) feet at outside corners.

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- (C) Substantial variation in the location and/or proportion of garages and garage doors, such that garages do not dominate the front elevation.
- (D) Available models to be built must have varying widths of the front façade elevation, such that the narrowest and the widest differ by at least two (2) feet.
- (E) Variation in the location and proportion of front porches. Front porches shall comply with the minimum standards outlined below:

i.(1) When at least 2 of the 4 required home models in the development or in each subdivision filing incorporate a “qualified” front porch (see B. below), said porches may extend five (5) feet into the required front yard setback and the developer shall be allowed to repeat the same home model elevation no more than once every five (5) lots on the same side of the street.

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ii.(2) A “qualified front porch” shall mean a covered front porch with a minimum size of seventy-two (72) square feet of floor area, excluding the stoop and any projections (e.g. bay window), with a minimum depth of six (6) feet, and at least seventy-two (72) square feet in size. Qualified front porches shall not be enclosed to provide additional living space.

- (F) Substantial variations in rooflines and/or in the angle of roof runs. Roofs shall have a minimum pitch of 4:12 except for dormers, porch roofs, or other extensions.
- (G) Use of roof dormers.
- (H) A variation of building types: ranch, two-story, and split-level, or other.
- (I) Window shapes that are substantially different.
- (J) Other distinct and substantial architectural design variations approved by the Zoning Commission (and at the recommendation of the Architectural Review Board if and when it has been established). The sole use of minor cosmetic changes such as different paint color, reversing or creating mirrored image of the exterior architectural elevations, or using different brick color shall not meet the intent of this section.

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i.(1) No two (2) of the same house models, with the exact same color scheme, masonry material and other optional features, shall be located next to each other or across the street from each other except for two-family dwellings, and no more than 20 percent of the development shall be of any single house model elevation. For two-family dwellings, both units in the structure may have the same exterior appearance, but each different structure shall be designed to meet the intent of this section by providing different models.

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Section 9035 – Residential Design Standards – Garage Placement & Design:

(A) Design standards for garages for two-family & multifamily residential:

- (1) Garages shall be designed and oriented so that they do not dominate the front façade of the building to which they are attached and so that they provide variety in the front plane or façade of the building and visual interest on all sides of the garage that are visible from the public right-of-way.
- (2) Detached garages shall be designed to be compatible with the related residential structures and shall be designed and oriented to minimize the visual effect of the scale and massing of the garages and create visual interest on all sides of the garage that are visible from the public right-of-way, through the use of landscaping, berming, architectural features or styles, building materials, and/or orientation of the site.
- (3) To the maximum extent feasible, garage entries, carports, and parking garages shall not be located between a principal multi-family building and a required street frontage, but shall instead be internalized in building groups so that they are not visible from adjacent public streets.
- (4) Detached garages and carports shall be compatible with the principal building architecture, and shall incorporate similar and compatible forms, scale, materials, colors, and details.
- (5) Detached garages and carports shall have pitched roofs with a minimum slope of 4:12.

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Section 9036 – Residential Design Standards – Mix of Roof Colors:

These roof standards shall apply to all new residential developments containing twenty (20) or more single-family or two-family residential dwellings. Where asphalt shingles, or any new material other than natural slate or clay tiles are used, each development or subdivision shall use at least three (3) visibly distinct colors of roof materials distributed in roughly equal proportions throughout the development. All vents, and vent piping shall be painted to match the principal structure and be located on the backside of the roof when possible. The Zoning Administrator must approve roof colors. Exceptions for color of roofing material if using slate or tile roofing shall be approved by the Zoning Commission.

Section 9037 – Residential Design Standards – Rear Elevations:

Rear elevation standards shall apply to all new multi-story residential developments. At least one horizontal or vertical offset, projection, or recess of twelve (12) inches or greater is required on all rear elevations. This may include chimneys, covered porches, bay windows or other features integral to the main structure (i.e. not decks).

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Section 9100 – Residential Design Standards – Town Home & Multifamily Architectural Review Standards:

- (A) Exterior architecture elevations including proposed roof style and pitch, window and door detail, materials and colors shall be compatible with the character and massing of the surrounding area if there is an established character.
- (B) At least 35 percent of the façade of all town home and multi-family buildings shall be made of natural material (brick, stone, stucco, or wood).
- (C) All sides of all buildings shall include design characteristics and materials consistent with those on the front or primary façade of the building, where visible from the public right-of-way.
- (D) Building entrances shall be identified and directly accessible from a public sidewalk or sidewalk internal to the site.
- (E) Walls in excess of fifty (50) feet in length shall be permitted to be visible from a public right-of-way if a minimum of twenty (20) percent of the length of the wall projects or recesses at a minimum depth equal to three (3) percent of the length of the wall and a change in materials and texture, or a permanent architectural treatment or feature is provided.
- (F) When through-wall heating, venting, or air conditioning units appear on exterior building walls, such units shall be covered by an architectural grille, and shall be designed in such a manner as to blend in with surrounding wall surfaces. When such units are adjacent to building windows, they shall be designed to appear to be part of the building's window pattern by matching window dimensions, colors, or trim. Such units shall not overhang surrounding wall planes, but shall be set flush with the façade or be placed inconspicuously in façade recesses.

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SECTION 9500 – COMMERCIAL DESIGN STANDARDS

Section 9501 – Commercial Design Standards Purpose:

The purpose of the commercial design standards is to improve the quality of life and promote a positive visual image. It is further the purpose of these standards to promote safety, encourage quality, orderly development and promote the goals of the Millcreek Township and the Comprehensive Land Use and Growth Plan.

Section 9510 – Commercial Design Standards Applicability:

The commercial design guidelines apply to all new-commercial, institutional, industrial, warehouse and office developments and redevelopment of an existing building that increases gross floor area by more than 50 percent in the PCD, PID and PTCD.

Section 9520 – Commercial Design Standards – General Site Development:

Site development plans should be carefully designed to integrate the functional requirements of the project with the existing site features and the surrounding developed and undeveloped properties.

- (A) Outstanding natural site features such as trees, creeks, rock outcroppings, etc. should be integrated into design plans whenever possible.
- (B) The location of site uses should be coordinated with adjoining properties to avoid creating nuisances such as noise, traffic, risk of hazard, etc.
- (C) Building setbacks should be related both to the street and to existing buildings on adjacent lots, and development of land in cooperation with owners of adjoining properties is encouraged where parking, driveways, plazas, and entries can be shared.
- (D) Future development should use minimal building setbacks to help create a strong architectural edge.
- (E) Side and rear yard parking are encouraged to provide screening and a strong architectural street edge.
- (F) Outdoor use spaces should be created as amenities (e.g., courtyards and patios). The entry plaza should be richly developed with site amenities such as benches, pots, tree grates, and bedding plants to provide a positive public interface point.

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Section 9530 – Commercial Design Standards – Orientation & Façade Standards:

Primary façades must meet the primary façade standards outlined in this section.

- (A) Buildings located mid-block shall be oriented to face the public right-of-way, unless it can be shown that there are compelling site conditions that necessitate a different orientation. If site conditions necessitate that the building not face the public right-of way, then the building is considered to have two primary façades; the façade that faces the public right-of-way and the façade that incorporates the customer service entrance.
- (B) Commercial buildings on corner lots shall be oriented to face a public right-of-way, unless it can be shown that there are compelling site conditions that necessitate a different orientation. If site conditions necessitate that the building not face the public right-of way, then the building is considered to have three primary façades; the two façades that face the public right-of-way and the façade that incorporates the customer service entrance.
- (C) All primary façades of a building shall be designed with complementary architectural style, detail, trim features, and roof treatments.
- (D) For parcels of one half (1/2) acre or larger, building perimeter landscaping shall be planted adjacent to and along the full length of the primary façade. The landscaped area shall be a minimum eight (8) feet wide and shall include shrubs and groundcover with one shade tree for each twenty five (25) feet or fraction thereof of the lineal building façade, or one under story tree for each fifteen (15) feet or fraction thereof of the lineal building façade.
- (E) Primary façades shall have at least four (4) of the following:
 - (1) A primary customer entrance.
 - (2) For parcels less than one half (1/2) acre, perimeter landscaping planted adjacent to and along the full length of the primary façade. The landscaped area shall be a minimum of eight (8) feet wide and shall include shrubs and groundcover with one shade tree for each twenty five (25) feet or fraction thereof of the lineal building façade, or one under story tree for each fifteen (15) feet or fraction thereof of the lineal building façade.
 - (3) Arcades or colonnades a minimum of six (6) feet wide, or other roof treatments that provide shade and a break in the vertical plane, along at east fifty (50) percent of the horizontal length of the primary façade.
 - (4) Display windows a minimum of six (6) feet high, along at least fifty (50) percent of the horizontal length of the primary façade.
 - (5) Awnings, associated with windows and/or doors, in increments of ten (10) feet or less in length, along at least fifty (50) percent of the horizontal length of the primary façade.
 - (6) Windows covering at least 40% of the primary façade.
 - (7) Any other treatment that, in the opinion of the Zoning Commission/ or Architectural Review Board upon establishment, meets the intent of this section.
- (F) Primary façades shall incorporate the screening of outdoor storage of customer shopping carts adjacent to the building. Shopping carts shall be screened by a wall a minimum of four (4) feet in height. The exterior façade of the wall shall be treated consistently with the primary façade.
- (G) Exterior building materials and colors contribute significantly to the visual impact of a building on the community. The use of certain materials on primary façades is restricted as follows:
 - ~~1-(1)~~ Corrugated metal panels, used as a finish material, shall be prohibited on the primary façade. Architectural metal panels are acceptable, subject to appropriate consultation and a determination by the Zoning Administrator and/or the Architectural Review Board, upon its establishment, that the treatment meets the intent of this section.
 - ~~2-(2)~~ Smooth-faced concrete on a primary façade shall have stucco or other decorative finish.
 - ~~3-(3)~~ Backlit awnings/canopies are specifically prohibited. Pre-wiring for backlit awnings/canopies is prohibited. Awnings/canopies shall not be backlit.

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Section 9540 – Commercial Design Standards – Secondary Façade Standards:

Secondary façades must meet the standards outlined in this section. This section is specifically applicable to that side of any structure where customer parking is developed. This section may be deemed not applicable or only partially applicable by the Zoning Administrator after review as to the narrowness and visibility of the space between the side of the new building and the property line and the adjacent building. This determination shall only apply to side yards of less than ten (10) feet. Regardless of other determinations, when the space between buildings is over ten (10) feet, applicable landscape and related requirements shall apply.

- (A) Complementary architecture. All secondary façades of a building shall be designed with complementary architectural style, detail, trim features, and roof treatments of the primary façade. A secondary façade with primary entrance shall, by definition, meet primary façade requirements.
- (B) Secondary façades shall have at least two (2) of the following:
 - (1) Perimeter landscaping planted adjacent to and along fifty (50) percent of the linear length of the secondary façade. The landscaped area shall be a minimum eight (8) feet wide and shall include shrubs and groundcover with one shade tree for each fifty (50) feet or fraction thereof of the lineal building façade, or one under story tree for each twenty-five (25) feet or fraction thereof of the lineal building façade.
 - (2) Arcades or colonnades a minimum of eight (8) wide, or other roof treatments that provide shade and a break in the vertical plane, along at least fifty (50) percent of the horizontal length of the secondary façade.
 - (3) Display windows a minimum of six (6) feet high, along at least fifty (50) percent of the horizontal length of the secondary façade.
 - (4) Awnings associated with windows and/or doors, in increments of ten (10) feet or less in length, along at least fifty (50) percent of the horizontal length of the secondary façade.
 - (5) Windows, covering at least 40% of the secondary façade.
 - (6) Any other treatment that in the opinion of the building official meets the intent of this section.
- (C) Secondary façades shall incorporate the screening of outdoor storage of customer shopping carts adjacent to the building. Shopping carts shall be screened by a wall a minimum of four (4) feet in height. The exterior façade of the wall shall be treated consistently with the primary façade.
- (D) Exterior building materials and colors contribute significantly to the visual impact of a building on the community. The use of certain materials on secondary façades is restricted as follows:
 - (1) Corrugated metal panels shall not cover more than 25% of any secondary façade. The same architectural metal panels applied to the primary façade are acceptable, subject to appropriate consultation and a determination by the building official that the treatment meets the intent of this section.
 - (2) Smooth-faced concrete shall not cover more than 30% of the secondary façade.
 - (3) Backlit awnings/canopies are specifically prohibited. Pre-wiring for backlit awnings/canopies is prohibited. Awnings/canopies shall not be backlit subsequent to their construction.

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Section 9550 – Commercial Design Standards – Building Design Treatments:

Both single and multiple-tenant buildings and projects are required to provide a minimum of five (5) of the following building design treatments:

- (A) Arched, gabled, stepped or decorative parapet with cornice over primary customer entrance, integrated with the building’s massing and style.
- (B) Canopies or porticos, integrated with the buildings massing and style.
- (C) Peaked roof forms.
- (D) Overhangs, a minimum of three (3) feet wide.
- (E) Arcades, a minimum of six (6) feet wide.
- (F) Arches or arched forms.
- (G) Display windows, a minimum of six (6) feet high.
- (H) Ornamental and structural details that are integrated into the building structure.
- (I) Clock tower or bell tower.
- (J) Sculptured artwork (excluding corporate logos or advertising).
- (K) Any other treatment that, in the opinion of the Zoning Administrator, meets the intent of this section.

Section 9551 – Commercial Design Standards – Sign Colors:

Use of corporate colors are permitted under the condition that such usage does not make the building a sign and, at the discretion of the Zoning Administrator, may be reviewed for determination of compliance with the Township Sign Regulations in this Resolution.

Section 9552 – Commercial Design Standards – Secondary Buildings:

Separate structures (carwash, cashiers booth, canopies over gas pumps, etc.) on the site shall have the same architectural detail, design elements and roof design as the primary structure, including a comparable pitch or parapets for roofs, same cornice treatment, same materials and colors, etc.

Section 9560 – Commercial Design Standards – Roof Treatments:

(A) Both single and multiple-tenant buildings and projects are required to have variations in the rooflines, and roof features that are consistent with the building’s mass and scale. In addition, roofs shall meet at least two (2) of the following requirements:

- (A)(1) Decorative parapets that have a minimum of three (3) feet in height above the finished roof or that are high enough to block the view of any mechanical equipment.
- (B)(2) A three-dimensional cornice treatment, a minimum of twelve (12) inches high, having a minimum of three (3) vertical (not diagonal) changes in plane (no two on the same plane), and a variety of thickness in relief ranging from the greatest at the top to the least at the bottom.
- (C)(3) Overhanging eaves that extend at least three (3) feet beyond the supporting walls, with a minimum fascia of six (6) inches deep.
- (D)(4) Three or more roof planes per primary façade.
- (E)(5) A sloping roof that does not exceed the average height of the supporting walls, with an average pitch of 4:12 or greater.
- (F)(6) Any other treatment that, in the opinion of the Zoning Administrator, meets the intent of this section.

a.(B) Backlit awnings used as a mansard or canopy roof are prohibited in both single and multiple-tenant buildings. Pre-wiring for backlit awnings/canopies is prohibited. Awnings/canopies shall not be backlit subsequent to their construction.

b.(C) Rooftop equipment and fixtures shall be concealed from eye-level view from any public right-of-way and from the ground level of any adjacent properties.

Section 9570 – Commercial Design Standards – Customer Service Treatments:

These requirements are not applicable to single-tenant buildings with a gross floor area of ten thousand (10,000) square feet or less, or multiple-tenant buildings and projects with a gross floor area of less than twenty thousand (20,000) square feet.

(A) The following customer service treatments are required:

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- (1) Single-tenant buildings, with a gross floor area of over ten thousand (10,000) square feet and less than twenty thousand (20,000) square feet, shall have a highly visible primary customer entrance.
- (2) Single-tenant buildings with a gross floor area of twenty thousand (20,000) square feet shall have a highly visible primary entrance incorporating decorative landscape planters or wing walls that incorporate landscaped area.
- (3) Multiple-tenant buildings and projects that have a gross floor area at twenty thousand (20,000) square feet and over shall have the following:
 - (a) Anchor tenants shall provide highly visible primary customer service entrances.
 - (b) A provision shall be made for decorative landscape planters and intermittent shaded outdoor community space. Such area shall be located near the main structure entrance or circulation path of the complex.

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Section 9580 – Commercial Design Standards – Section Façade Treatments:

- (A) All façades of buildings with a gross floor area of 20,000 square feet or larger shall be required to incorporate at least three (3) of the following façade treatments. At least one (1) of these treatments shall repeat horizontally. All design elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically. All façades of buildings with a gross floor area of less than 20,000 square feet shall be required to incorporate at least two (2) of the following façade treatments. At least one (1) of these treatments shall repeat horizontally. All design elements shall repeat at intervals of no more than twenty-five (25) feet, either horizontally or vertically.
 - (1) Expression of a vertical architectural treatment with a minimum width of twelve (12) inches.
 - (2) Building stepbacks, offsets or projections, a minimum of three (3) feet in width.
 - (3) Color change.
 - (4) Texture and/or material change.
 - (5) Architectural banding.
 - (6) Pattern change.
 - (7) Any other treatment that, in the opinion of the Zoning Administrator, meets the intent of this section.
- (B) Blank wall areas on any façade shall not exceed ten (10) feet in vertical direction or twenty (20) feet in horizontal direction. Control and expansion joints constitute a detail feature only if incorporated as a decorative pattern and spaced at intervals of six (6) feet or less apart. Relief and reveal work depth must be a minimum of one-half (1/2) inch.

Section 9590 – Commercial Design Standards – Drive-Through Window Standards:

Drive-through windows and lanes shall be designed to adhere to the following standards:

- (A) Drive-through windows shall not be placed between the right-of-way and the associated building unless an eight (8) foot wide landscape buffer of a length to cover the entire drive-through cueing or stacking area is installed and maintained.
- (B) Drive-thru windows on either side of a building that are visible to pass-by traffic shall be screened by a five (5) foot landscape buffer of a length to cover the entire drive-thru cueing or stacking area. A permanent covered porte-cochere type structure over the window is required.
- (C) A permanent covered porte-cochere type structure over the window is required. The porte-cochere must be the width of the drive and a minimum of twenty (20) feet in length to cover the length of the drive-thru and service window and shall be integrated structurally and architecturally into the design of the building. The porte-cochere may encroach into the side yard setback.

Section 9600 – Commercial Design Standards – Lighting Fixtures:

Refer also to Article on Lighting

- (A) Lighting shall be designed in a consistent and coordinated manner for the entire site. It shall be used to accent key architectural elements and/or to emphasize landscape features, and shall be designed to avoid the creation of hot spots, glare or a nuisance.
- (B) Light fixtures shall be designed as an integral design element that complements the design of the project through style, material or color.
- (C) Lighting of on-site buildings shall be limited to wall-washer type fixtures or down-lights, which do not produce spillover lighting.
- (D) Site lighting shall not incorporate floodlight fixtures mounted on building walls, roofs or poles.
- (E) Lighting at building entrances may exceed allowable standards of intensity for safety purposes upon demonstration to Township that compliance with this lighting criteria will create a public safety hazard and that special and unique

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conditions exist requiring additional lighting at building entrances; provided, however, that such lights shall be directed downward to minimize spillover lighting and glare.

- (F) Lighting intensities shall be designed as recommended by IES.
- (G) Lighting levels for fire lanes or driveways at building entrances shall not exceed five (5) foot-candles.
- (H) Lighting standards, including the pole height and fixture, shall be a maximum of 30 feet in height within the parking lot and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas.
- (I) At service stations and convenience centers, lighting under canopies, porte-cocheres, etc. should be recessed and shall use flat glass lenses. If not recessed, the box type or other fixture shall be opaque on all sides (no light shall show from any side of the fixture) and shall use flat glass lenses.
- (J) The light source shall be metal halide (maximum 250 watts) or fluorescent.
- (K) The maximum foot-candle level shall be thirty (30) fc (average maintained maximum).
- (L) Clear flat lenses may be used with phosphor coated metal halide lighting or a clear metal halide light may be used with a diffused flat lens.
- (M) Exterior illumination shall be installed with houseside shields and reflectors (as required), and maintained in such a manner, as to confine direct light rays to the premises and minimize light rays and glare onto adjacent properties.
- (N) Parking areas (except for parking areas at service stations and convenience centers located under an awning, canopy, porte-cochere, etc) shall be illuminated as follows:
- (O) Parking area lighting shall be decorative in nature and shall be shielded from adjacent properties by utilizing flat glass lenses, house-side shields and "NEMA" type II, III and IV reflectors (otherwise known as decorative cut-off luminaries).
- (P) The lamp source shall be metal halide. The maximum wattage shall not exceed 400 watts. Lighting illumination levels range from a minimum of 0.6 fc, to a maximum (outside a twenty foot (20') radius from the pole) of 3.6 fc. A photometric plan is required. In the alternative, each fixture/lamp source shall be spaced no closer than three pole heights to any other light source, other than wall mounted lights.
- (Q) Phosphor coated lamps shall be utilized where the lamp source is not hidden by the luminaire housing or equipped with a diffused lens.
- (R) Decorative acorn type fixtures shall not exceed eighteen (18) feet in height and two hundred and fifty (250) watts per bulb and shall have a textured clear lens/globe, frosted/phosphor coated bulbs and an internal optical system.
- (S) The use of horizontal lamps is highly recommended.
- (T) Pedestrian walkways and bikeways shall be illuminated as follows:
 - (1) The lamp source shall be decorative in appearance, style and finish. Selected luminaries shall have the lamp source shielded from view.
 - (2) The lamp source shall be metal halide within a development but, may be high-pressure sodium adjacent to public right-of-way. The maximum wattage shall not exceed 100 watts. Lighting illumination levels range from a minimum of 0.2 fc to a maximum of 2.5 fc. A photometric plan is required. In the alternative, each fixture/lamp source shall be spaced no closer than six times the overall height of the fixture, including both poles and luminaries. This is for other than against wall mounted lights. Phosphor coated lamps shall be utilized where the lamp source is not hidden by the luminaire housing or equipped with a diffused lens.

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Section 9610 – Vehicular Use Area Interior Landscaping (Cross Reference to Article XIII).

- (A) Interior vehicular use areas consist of all vehicular use areas except those parking spaces contiguous to a perimeter for which a landscape screen (hedge and trees) is required.
- (B) At least fifteen (15) percent of the remaining interior vehicular use area shall be landscaped. Each separate landscaped area shall be a minimum of twenty-five (25) square feet, with one shade tree required for each one hundred (100) square feet of required interior landscaping. All landscaped areas adjacent to parking areas shall be protected from vehicle encroachment by curbing or wheel stops. Specifically, curb-stops are to be so placed that landscape areas of less than five (5) foot widths are protected.
- (C) A maximum of ten (10) continuous parking spaces are permitted without a landscape break. The landscape break shall be a minimum of eight (8) feet in length and eight (8) feet in width and include one (1) shade tree of an acceptable species. The shade tree shall be a minimum of ten (10) feet in height with 3 inch caliper. As an alternative, landscaped seven-foot wide center medians located between all lineal rows of which may face head-to-head may be provided, with one shade tree per sixty (60) lineal feet of median.
- (D) A landscape island is required at the ends of each row of parking spaces-singular or head-to-head. Where singular, one (1) tree is required. Where head-to-head, two (2) trees are required.

Section 9620 – Commercial Design Standards – Merchandise Display Areas:

Fenced merchandise display areas (i.e. garden centers), visible from a public right-of-way shall be constructed of decorative metal or fiberglass fencing. Additionally, the merchandise display area shall be landscaped and integrated into the design of the primary structure using one of the following techniques:

- (A) Masonry columns constructed of the same materials and color of the main building, spaced a maximum of twenty-five (25) feet apart; or
- (B) A free standing wall constructed of the same material, color, height and style of the main building along the entire length of the fenced storage area that covers at least fifty (50) percent of the fenced storage area.

Section 9630 – Commercial Design Standards – Pedestrian Circulation:

- (A) Pedestrian ways and linkages shall be provided from the site to the surrounding streets, external sidewalks, and out parcels. Pedestrian ways shall be designed to provide access between parking areas and the building entrance in a coordinated and safe manner. Shared walkways are encouraged between adjacent commercial projects.
- (B) Pedestrian access shall be provided at a minimum ratio of one access point for each public vehicular access point, excluding ingress and egress points intended primarily for service, delivery or employee vehicles. Such pedestrian access points shall provide connections to the adjacent public sidewalk system, transit stops and out parcels.
- (C) Pedestrian walkways shall be a minimum of five (5) feet wide. Pedestrian walkways shall be designated by not only painted stripes, but by other material or treatment sufficient to identify them. These other materials may include concrete, brick, or others as approved by the Zoning Administrator
- (D) Building perimeter crosswalks shall be designed and coordinated to move people safely to and from buildings and parking areas by identifying pedestrian crossings with signage and variations in pavement materials or markings.

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SECTION 9700 – DESIGN STANDARDS – ARCHITECTURAL REVIEW

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Section 9700 – Design Standards – Architectural Design Review Procedure:

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Architectural Design Plan Required – The Architectural Design Plan ("ADP") is a conceptual master plan intended to accomplish the goals of integrated master planning, connectivity between major developments, creation of park and open space networks across neighborhood boundaries, creation of neighborhood features and centers, provision of adequate utilities, and high levels of residential and commercial design quality.

Section 9701 – Design Standards – Architectural Design Plan Submittal Timing:

Review and approval of an ADP by the Zoning Commission and the Architectural Review Board (when it shall be established) shall be required prior to, or concurrent with, approval of a rezoning to a planned district or other preliminary plat approval.

Section 9710 – Design Standards – Architectural Design Review Procedure for Approval:

Combined Submissions Encouraged. At the applicant's option, an application for an ADP may be combined with an application for any preliminary subdivision plat or rezoning to a planned district.

Section 9711 – Design Standards – Architectural Design Plan Review Criteria:

The Zoning Commission shall review the ADP and shall take final action to approve, approve with conditions, or deny the ADP based on its compliance with the following criteria:

- i-(A) The ADP is consistent with the Comprehensive Plan and with all other duly adopted plans and policies;
- ii-(B) The ADP complies with all applicable zoning district, development, and subdivision regulations; and
- iii-(C) The ADP complies with these Residential Design Standards and/ or Commercial Design Standards.

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Section 9720 – Design Standards – Architectural Design Plan Effect of Approval:

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An approved Architectural Development Plan shall lapse and be of no further force and effect if a preliminary subdivision plat or preliminary site plan for the development, or for a phase of the development identified in the ADP, has not been submitted within one (1) years from the date of the Zoning Commission's final action.

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Section 9730 – Design Standards – Architectural Design Plan Submittal Requirements:

Each ADP shall contain the following elements unless the Zoning Commission determines that one or more of the elements are unnecessary.

- 4-(A) Land Analysis Element that identifies:
 - i-(1) Natural or manmade features and amenities such as streams, irrigation ditches, significant views, stands of mature trees, historic or archeological sites or areas, agricultural outbuildings, and actual and potential wildlife habitat;
 - ii-(2) Hazards, including airport influence areas;
 - iii-(3) Existing or planned street and road system located adjacent to the subject property;
 - iv-(4) Land uses, existing or approved by the Township, located within 1/2 mile of the boundaries of the subject property;
 - v-(5) The proposed development's relationship with and connections to surrounding lands and land uses (existing or approved);
 - vi-(6) Any non-residential areas within the development; and
 - vii-(7) Any natural or man-made features used to divide the property into individual neighborhoods and development areas.
- a-(B) Location and Provision of Neighborhood Features that will serve as focal points for the community, and identification of any design themes for the proposed Neighborhood Feature such as common architectural themes, landscaping themes, general materials, and general styles.
- b-(C) General Organization of Land Uses and Densities, including the placement of Neighborhood Features and activity centers. An ADP may include identification of general locations of conditional uses if the applicant chooses, but approval of an ADP shall not constitute approval of specific conditional uses.
- e-(D) General Auto, Pedestrian Circulation, and Trails Network that complies with these Residential Design Standards, the County Subdivision Regulations, as amended, and applicable Township road standards and specifications.
- d-(E) General Park and Open Space Network that complies with these design standards, the Union County Subdivision Regulations, as amended, and the County Parks & Recreation Master Plan.
- e-(F) Conceptual Drainage Plan. Planning level of detail is required, but no engineering details or analysis is required at this stage.

Section 9740 – Design Standards – Architectural Design Plan Staff Review for Compliance:

The Zoning Commission ~~and/or~~ the Architectural Review Board (upon its establishment) shall be responsible for reviewing all subdivision applications for compliance with these Residential or Commercial Design Standards as applicable. The Architectural Review report compiled by/or for the Zoning Commission, shall include a written finding regarding the application's compliance or non-compliance with these Residential or Commercial Design Standards as applicable.

The documents shall be submitted to the Zoning Administrator not less than thirty-five days prior to the Zoning Commission meeting.

All ADP submittals shall be accompanied by a fee as established by Township Trustees.

Section 9750 – Design Standards – Architectural Design Plan Additional Review Criteria:

In addition to the review criteria set forth in the Subdivision Regulations, the Zoning Commission shall review all applications for preliminary subdivision plats for compliance with the following criteria:

- (A) Preliminary Subdivision Plats -
 - a)(1) The plat complies with the terms and conditions of any previously approved Architectural Development Plan;
 - b)(2) The plat complies with the residential site planning and site design standards and the mix of residential lot dimensions standards set forth in these Residential Design Standards; and
 - e)(3) The plat evidences the availability and adequacy of public facilities and services needed to meet the demand generated by the proposed subdivision.

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~~e)(4)~~ The Zoning Commission shall deny a preliminary subdivision plat that does not evidence such compliance, unless the applicant has made a successful application for a variance from these Residential Design Standards and or Commercial Design Standards.

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(B) ~~2)~~ Final Subdivision Plats –

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~~a)(1)~~ The plat complies with the terms and conditions of any previously approved Architectural Development Plan (ADP) and/or a preliminary subdivision plat;

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~~b)(2)~~ The plat complies with these Residential Design Standards and or Commercial Design Standards, including, without limitation, standards requiring a mix of housing models; and

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~~c)(3)~~ The plat evidences the availability and adequacy of public facilities and services needed to meet the demand generated by the proposed subdivision, or has provided measures to substantially mitigate any inadequacies.

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~~d)(4)~~ The Zoning Commission shall not recommend approval, nor shall approve a final subdivision plat that does not evidence compliance with these Residential Design Standards and or Commercial Design Standards, unless the applicant has made a successful application for a variance.

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Section 9760 – Design Standards – Architectural Design Plan Building Permit Review Required:

After the effective date of these Design Standards, no building permit shall be issued for the construction of a residential structure subject to these Design Standards until the applicant has produced evidence that the unit for which a permit is being requested has been approved pursuant to the Building Permit Review set forth in this subsection.

Section 9761 – Design Standards – Architectural Design Plan Building Permit Application Filing:

Applications for Building Permit Review shall be submitted to the Township. Such applications shall include:

(A) An application form approved by the Township, and

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~~(B)~~ Three (3) scale drawings of each elevation of each dwelling unit, or housing model, that is subject to design requirements pursuant to these Design Standards. All application materials shall be in adequate detail to enable the Township to determine whether each of the required standards has been met.

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~~(B)~~

Section 9762 – Design Standards – Architectural Design Plan Building Permit Review & Action:

The Township's designee shall review each application for Building Permit Review to determine if the proposed development complies with the approval criteria listed below.

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~~a)(A)~~ Compliance of plan with the Comprehensive Land Use & Growth Plan,

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~~b)(B)~~ Compliance with all applicable zoning and subdivision requirements, and

~~c)(C)~~ All applicable requirements of these Residential Design Standards.

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Section 9763 – Design Standards – Architectural Design Plan Building Permit Action:

After such review, the Designee will act to approve, approve with conditions, or deny the application based upon the criteria.

The Building Permit Review approval document shall state that all dwellings covered by the approval shall be constructed as shown in the application documents, except as such designs may have been amended by conditions attached to the approval.

Section 9764 – Design Standards – Architectural Design Plan Building Permit Extension:

(A) Once a Building Permit Review has been completed and approved it becomes a part of the Building Permit and is subject to the same conditions of the Building Permit. The Building Permit and the approval may be extended for six (6) months with the approval of the Zoning Administrator or other Township designee, if at least thirty percent (30%) of the overall building permits have been issued in the subdivision for which the extension is being requested. Only one such extension shall be granted.

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(B) If the Building Permit Review has been approved for a phased project, the approval will be void if no building permit is applied for within a three-year period. If one phase is completed which accounts for at least thirty percent (30%) of the total project, the Building Permit Review approval for the remaining phases shall be valid for an additional three (3) years from the date of completion of the first phase. The issuance of a Certificate of Occupancy for the last building constructed in a phase shall mark the completion of that phase. Only one such extension shall be granted for multiphase projects.

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Section 9765 – Design Standards – Architectural Design Plan Building Permit Appeal:

Disputes regarding the Township’s decisions shall be first appealed to the Zoning Administrator, or other Township designee. Disputes regarding the ~~Inspector’s Administrator’s~~ decisions shall be appealed to the Zoning Commission.

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Section 9766 – Design Standards – Architectural Design Plan Building Permit Amendments:

Any Building Permit Review approval granted pursuant to this subsection may be amended by filing a new application for Building Permit Review together with all supporting documents.

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Section 9767 – Design Standards – Architectural Design Plan Building Permit Lapse of Approval:

The right to construct residential structures in accordance with the Building Permit Review approval shall lapse and be of no further effect with respect to any homes for which a building permit has not been obtained within six (6) months of the date of Review approval, unless an extension has been granted.

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Section 9768 – Design Standards – Architectural Design Plan Building Permits:

No building permit relating to any non-exempt residential development shall be issued until the applicant has received a Building Permit Review approval pursuant to the terms of this Resolution.

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Section 9769 – Design Standards – Architectural Design Plan Housing Model Mix Verification: Applicants for building permits for dwellings that were part of a subdivision approved in accordance with this subsection shall affirm and certify in the building permit application that the dwelling that is the subject of the permit does not adjoin or face a lot with the same housing model in violation of the mix of housing model standards set forth above. No building permit shall be issued for construction out of compliance with these regulations.

Section 9800 – Design Standards – Variances:

If specific site conditions make it impossible or clearly impractical to construct dwellings as required by these Residential Design Standards or to construct commercial structures as required by the Commercial Design Standards, the applicant may request a variance from the terms of these Design Standards through the Township's standard zoning variance procedure set forth in Article IV. The variance process may not be used to vary the terms of a subdivision approval or a Building Permit Review approval where the site conditions supporting the variance were caused by the applicant or known to the applicant at the time of the subdivision or Architectural Review application.

Section 9900 – Design Standards – Enforcement:

Any violation of these Residential and Commercial Design Standards, including without limitation, construction of any new single-family detached, duplex dwelling unit, or multifamily building without first obtaining subdivision or Architectural Review approval, or filing false or misleading information on a subdivision or Architectural Review application, shall be a violation of the Township Zoning Regulations, as amended, and shall be subject to all the enforcement provisions of those regulations. Without limiting the generality of the previous sentence, these Design Standards may be enforced by withholding building permits, suspending or revoking building permits previously granted, or issuing stop work orders effective until violations of these Standards have been corrected.

Section 9901 – Design Standards – Violation – Penalty:

Any person who violates any of the provisions of this chapter is guilty of a violation of this chapter and shall be punished as provided in this Resolution.

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ARTICLE X – SUPPLEMENTARY DISTRICT REGULATIONS

Section 10001 – Purpose:

Supplementary regulations apply to several districts or a set of districts and are set forth here.

Section 10010 – Required Trash Areas:

All non single-family residential uses that provide trash and/or garbage collection areas shall have such areas enclosed on all sides by a solid wall or fence a minimum of six feet in height or one foot higher than the receptacles, whichever is greater. There shall be a lockable gate on the fourth side if such area is not within an enclosed building or structure. Provisions of adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Administrator shall be required.

Section 10020 – Special Provisions for Residential Uses:

The regulations applicable to residential uses shall be supplemented by the following provisions.

Section 10021 – Determining Minimum Floor Area for Housing Units:

The minimum floor area per family in housing units shall include only area used for living quarters. Utility rooms, garages, carports, porches, laundry areas and basements are to be excluded.

Section 10022 – Conversion of Dwellings to More Units:

In the U-1 district a residence may be converted to accommodate an increased number of dwelling units provided:

- (A) The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district in which the dwelling is located.
- (B) The lot area per family shall equal the lot area requirements for new structures in that district;
- (C) The number of square feet of living area per family unit is not reduced to less than that which is required for new construction in that district.

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Section 10023 – Home Occupation – Permitted Use:

Home occupations shall be permitted within a dwelling unit in a District provided that:

A home occupation is permitted in districts, as specified, if they meet all of the following conditions, without exception:

- (A) The owner of the premises must reside in the Dwelling Unit used for the Home Occupation;
- (B) No person or persons, other than the owners of the premises shall operate a Home Occupation;
- (C) Not more than one on-site worker in addition to the owner shall be employed in a Home Occupation;
- (D) All Home Occupations shall be conducted entirely within the Dwelling Unit, and the use of the Dwelling Unit for the Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants;
- (E) Not more than twenty percent (25%) or five hundred (500) square feet of the gross Floor Area, whichever is less, of any Dwelling Unit shall be used for a Home Occupation;
- (F) Home Occupations shall not be permitted in any Accessory Building within any District, though accessory buildings may be used for the parking of vehicles affiliated with the Home Occupation;
- (G) There shall be no change in the outside appearance of the Building or premises, or other visible evidence of the conduct of such Home Occupation other than one Sign, not exceeding two (2) square feet in area, non- illuminated, and mounted flat against the wall of the Building in which the Home Occupation is located;
- (H) There shall be no goods or services sold directly to customers on the premises;
- (I) No traffic shall be generated by the Home Occupation and in no case shall traffic be in a greater volume than would normally be expected in a residential neighborhood;
- (J) No outdoor storage of vehicles, equipment, supplies, or other materials associated with such Home Occupation without being stored entirely within a building and not visible from the road or any another surrounding property;
- (K) Equipment or processes shall not be used in such Home Occupations which create noise, vibrations, illumination, fumes, odors, or electrical interference detectable off the Lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises; and
- (L) There shall be no increased burden placed upon existing public services provided to the residence as a result of a Home Occupation.
- (M) Hours of operation shall not exceed 8:00 a.m. to 5:00 p.m., Monday thru Friday;
- (N) The property occupying the Home Occupation must be compliant with current zoning standards and shall not include violations and/or non-conformities; and
- (O) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

- ~~(A) No more than one person other than members of the family residing on the premises shall be engaged in such occupation.~~
- ~~(B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants,~~
- ~~(C) Not more than thirty five (35) percent of living area of the dwelling until shall be used in the conduct of the home occupation.~~
- ~~(D) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign, not exceeding four square feet in area, non-illuminated and mounted flat against the wall of the principal building.~~
- ~~(E) No traffic shall be generated by such occupation in greater volume than would normally be expected in such a residential area and any need for parking generated by the conduct of such home occupation shall meet the off street parking requirements as specified in this Resolution.~~
- ~~(F) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.~~

Section 10024 – Home Occupation – Conditional Use:

A person may apply for a Conditional Use Permit for a Home Occupation in the U-1 or R-1 districts that does not comply with the requirement of Section 10023. The criteria for the issuance and maintenance of such a permit for a Home Occupation are as follows:

- (A) The owner of the premises must reside in the Dwelling Unit used for the Home Occupation;

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- (B) There shall be no more than two (2) non-residential on-site employees or volunteers to be engaged in the proposed Use, in addition to the owners;
- (C) Retail sales may be permitted within an accessory building on-site if they are incidental and relative to the Home Occupation;
- (D) No outdoor storage of vehicles, equipment, supplies, or other materials associated with such Home Occupation without being stored entirely within a building and not visible from the road or any another surrounding property;
- (E) Not more than thirty-five percent (35%) of the gross Floor Area of any residence and/or architecturally compatible accessory buildings shall be devoted to the proposed Home Occupation;
- (F) The external appearance of the Structure in which the Use is to be conducted shall not be altered and not more than one (1) Sign no larger than two (2) square feet which shall be either mounted flush to the wall of the Structure, no higher than six (6) feet, or otherwise appropriately placed on the property, no higher than four (4) feet, in accordance with the application;
- (G) Minor or moderate Alterations in accordance with the Zoning Resolution may be permitted to accommodate the proposed Use but there shall be no substantial construction or reconstruction;
- (H) Equipment or processes shall not be used in such Home Occupations which create noise, vibrations, illumination, fumes, odors, or electrical interference detectable off the Lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises;
- (I) No more than four (4) additional parking places may be proposed in conjunction with the Home Occupation, which must meet parking standards and shall not be located in a required Front Yard. Outside of business hours, commercial vehicles shall be enclosed within a building or moved off-site;
- (J) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use;
- (K) The Union County Engineer's Office must have recently inspected and demonstrated compliance of all structures and driveways which are to be occupied by the Home Occupation;
- (L) A storm water management plan must be submitted with approval of appropriate county and/or state agencies, unless waived by the Board of Zoning Appeals;
- (M) A landscaping and screening plan indicating all existing and proposed plantings, unless waived by the Board of Zoning Appeals;
- (N) Hours of operation shall not exceed 8:00 a.m. to 5:00 p.m., Monday thru Friday;
- (O) The property occupying the Home Occupation must be compliant with current zoning standards and shall not include violations and/or non-conformities; and
- (P) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

Section 10030 – Setback Requirements for Corner Buildings;

On a corner lot the main building and its accessory structures shall be required to be set back the same distance from all highway right-of-way lines as required for the front set back in the district in which such structures are located.

Section 10031 – Visibility at Intersections;

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half and ten feet above the center line grades of the intersecting highways in the area abounded by the highway lines of such corner lots and a line joining points along said street lines 50 feet from the point of intersection.

Section 10040 – Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts;

Nonresidential buildings or uses abutting Residential Districts or uses shall not be located nor conducted closer than 50 feet for any to the Business District (B-1, B-2, B-3) or 200 feet for Manufacturing (M or EQ) District to any lot line of a residential district. Landscaping and Screening requirements found in Article XIII also apply.

Any type of screening shall not obscure traffic visibility within 50 feet of the point of an intersection.

Section 10050 – Exceptions to Height Regulations;

The height limitations contained in the official Schedule of District Regulations, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, EXCEPT that they may not be constructed to a height greater than the distance from

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the center of the base thereof to the nearest property line of said lot.

Section 10060 – Architectural Projections:

Open structures such as porches, decks, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required setbacks for front, side or rear yard.

~~A Building Permit shall be required to construct any structures subsequent to the original development of the lot.~~

Section 10070 – Temporary Buildings:

Temporary buildings, canopies, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any District during the period construction work is in progress, but such temporary facilities shall be removed within fourteen (14) days of completion of the construction work unless a six (6) month extension is granted by the Board of Zoning Appeals. All temporary facilities shall require a Zoning Permit from the Zoning Administrator.

In Residential districts, tents and canopies for entertainment and play may be erected for no more than fourteen (14) days in each calendar year.

Section 10080 – Open Storage and Display of Materials and Equipment:

The open storage and display of material and equipment incident to permitted uses in commercial and industrial districts shall not be permitted without a conditional use permit from the Board of Zoning Appeals.

Section 10090 – Junk:

No trash, debris, litter, rubbish, unused property, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard, or nuisance to the Township or general public.

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Section 10100 – Private Swimming Pools;

- (A) A swimming pool means any portable pool or permanent structure capable of containing at least 18 inches of water or more in depth; intended for recreational purposes, including wading pools, but not including an ornamental reflecting pool, landscape fountain or fish pond. No such swimming pool shall be allowed in any district unless it complies with the following conditions and requirements.
- (B) The pool is intended to be and is used solely for the enjoyment of the occupants, and their invited guests, of the principal use of the property on which it is located.
- (C) It is not located, including any walks or paved areas or accessory structures adjacent thereto, closer than 10 feet to any property line of the property on which it is located.
- (D) The swimming pool, area of land immediately surrounding the pool or entire property on which it is located shall be walled or fenced to prevent uncontrolled access from the roadways or adjacent properties. Fencing requirements:
 - (1) Fence or wall shall not be less than four (4) feet in height.
 - (2) There shall be at least three (3) feet in width of unobstructed access around all pools.
 - (3) Fence or wall must be maintained in good condition at all times.
 - (4) Gates equipped with an auto closing / auto latching mechanism.
 - (5) Comply with other Township Fence Regulations found in Article X.
- (E) Swimming pools must be maintained for the health and safety of residents at all times. When “in season / in use”, pools must always contain clean and sanitary water. If pool is not in use (or during “off season” months), it must either be drained completely or covered completely.
- (F) No water drained from a swimming pool shall be discharged onto adjacent properties without written consent of the owner.
- (G) Private swimming pools, together with other accessory structures, shall not occupy more than 50 percent of the rear yard area.
- (H) Heating units, pumps, and filter equipment shall be completely housed and muffled in such a manner as not to create a nuisance. Such equipment shall be located not closer than 10 feet to a lot line and shielded from view of any roadway, and shall also be subject to County Electrical Permit requirements.
- (I) No swimming pool may be constructed without obtaining a permit from the Township Zoning Administrator. Applicable fees for such permits shall be established by the Board of Township Trustees.

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Section 10200 – Ponds:

Ponds shall be excavated as a permitted use provided the following standards are met (Also, see Ponds definition):

- a.(A) Union Soil and Water Conservation District (SWCD) must review and approve proposed construction site with landowner.
- b.(B) The pond shall be designed in accordance with NRCS (Natural Resource Conservation Service) Standards and Specifications along with USDAS (United States Department of Agricultural Services) Engineering Field Manual for Conservation Practices. Tile found in working order on site must be rerouted around proposed pond. Soil must be spread in a manner not to encroach on adjacent properties.
- c.(C) The Union Soil and Water Conservation District (SWCD) shall be responsible for approvals of pond design and doing site inspections during construction to assure that the pond is constructed according to the approved plan.
- d.(D) The pond outlet must be designed not to encroach on adjacent property.
- e.(E) Setbacks: Fifty (50) feet from road right-of-way to high water mark and thirty (30) feet from high water mark to side and rear lot lines.
- f.(F) Three (3) acre minimum lot size.
- g.(G) All ponds shall be at least one-fourth (¼) acre in size.
- h.(H) All construction of ponds within the Township shall be accomplished in a manner consistent with maintenance of good surface and subsurface drainage.
- i.(I) This applies to all zoning districts.

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Section 10300 – Common Access Drives (General):

Common Access Drives (CAD) provide an alternative to construction of public or private streets for accessing small numbers of lots and reduce the number of driveways along public roads. CADs may be permitted based upon a case-by-case evaluation of the site and project specific characteristics such as, but not limited to: access management and traffic safety, slopes, drainage, preservation of environmentally sensitive areas, access, and maneuvering room for firefighting vehicles, and compliance with local zoning codes. CADs must be designed by an engineer or surveyor in accordance with these regulations. All lots as part of a Common Access Driveway shall have the required road frontage (see Official Schedule of District Regulations). Lots not meeting the required road frontage shall be required to obtain a variance from the Millcreek Township Board of Zoning Appeals.

Common Access Drive – A common access driveway (CAD) is a privately constructed, privately owned, and privately maintained driveway located within an ingress/egress easement serving more than one lot (or parcel) but not more than five lots (or parcels) installed in accordance with the requirements of the Union County Engineer.

And for which Union County and Millcreek Township accept no responsibility for maintenance, dispute, or liability either initially or at any time in the future. A common access drive provides an alternative to construction of public or private streets for accessing small numbers of lots and reduces the number of driveways along public roads. All lots as part of a Common Access Driveway shall have the required road frontage.

The sub-divider is responsible for constructing the CAD in accordance to standards and restrictions and any additional or more restrictive standards required by the sub-divider’s engineer or surveyor, Zoning Administrator, fire official or County Engineer. (For CAD standards, and requirements, see the Union County Technical Design Standards available from the Union County Engineer’s Office).

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Section 10400 – Flood Plains Overlay – Establishment of Regulatory Floodplain District:

The Regulatory Floodplain District shall exist as an overlay district and shall apply concurrently with other zoning district classifications. Land uses and development allowed under Article IV must also meet all other applicable sections of this Section.

Section 10410 - Designation of the Regulatory Floodplain District:

The Regulatory Flood Plain District shall be designated as those flood hazard areas which are identified in the "Flood Insurance Study for Union County, Ohio" and accompanying Flood Insurance Rate Maps (FIRM) published by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program (NFIP). These maps and data shall be on file with the Union County Engineer.

Section 10420 – Floodway and Floodway Fringe:

The Regulatory Flood Plain District is further divided into two portions consisting of the Floodway and the Floodway Fringe. The Floodway is that portion of the Flood Plain consisting of the channel and sufficient adjacent lands to convey the Base Flood discharge without increasing the Base Flood Elevation more than one-half foot. The Floodway Fringe is that portion of the Floodplain outside of the Floodway. The FEMA water surface profiles of the Base Flood shall govern the location of the Floodplain boundary. The Base Flood Elevations and Floodway boundaries shall be established as those indicated by NFIP maps and data published by FEMA, including all revisions and amendments thereto. FEMA maps and data shall be used to establish the Regulatory Flood Plain District. FEMA maps and data shall govern in case of omission on or in conflict with the zoning maps.

Section 10430 - Non-Detailed Flood Hazard Areas:

In designated flood hazard areas for which FEMA has not determined detailed flood elevations and Floodway boundaries, the applicant shall be required to furnish such information prepared by qualified personnel to enable the administration of this Ordinance consistent with its intent. Flood maps and data published by State or Federal sources such as the USDA Soil Conservation Service, U.S. Army Corps of Engineers, U.S. Geological Survey, or Ohio Department of Natural Resources shall be utilized when available. In case of differing information from two or more of these sources, the more comprehensive and recent technical data shall be used.

When detailed flood elevations and floodway boundaries are not available for the Base Flood through FEMA or other state or federal sources, the applicant shall provide them. Such information and data shall be prepared by a qualified Professional Engineer in accordance with currently accepted hydrologic and hydraulic engineering techniques and methodology. Such studies, analysis, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Community NFIP Administrator (County Engineer) and the State NFIP Coordinating Agency.

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Section 10440 - Permitted Uses in the Floodway:

The following uses, not including buildings, shall be permitted within the Floodway, provided they comply with all other applicable sections of this Zoning Resolution:

- (A) Agricultural land uses such as general farming and cultivation, pasturing, grazing, outdoor open air nurseries, truck farming, forestry, sod farming, and similar uses.
- (B) Private or public recreational land uses such as golfing, tennis, archery, picnicking, boating, swimming; parks, wildlife, or nature preserves; shooting ranges, hunting and fishing areas; hiking, biking, jogging, and horseback riding trails; and other similar uses.
- (C) Residential open space uses such as lawns, gardens, play areas, and other similar use

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Section 10450 – Prohibited Uses in the Floodway:

The following structures and uses are prohibited in the Floodway unless specifically listed as a Conditional Use.

- (A) Buildings and structures, including mobile homes, for residential, commercial, industrial, agricultural, or other use.
- (B) Storage or processing of materials.
- (C) Trash, garbage, or waste disposal operations; landfills; wastewater treatment and disposal facilities.
- (D) Placement of material, fill, or spoil of any type or the construction or extension of levees, dams, dikes, floodwalls, or other such moundings, embankments unless otherwise permitted under this Chapter.
- (E) Encroachments which would cause any increase in the Base Flood Elevations.

Section 10460 - Conditional Uses in the Floodway:

The following uses shall be Conditional Uses within the Floodway provided they comply with all other applicable sections of this Ordinance and any conditions attached by the Zoning Committee granting the Conditional Use Permit:

- (A) Navigational and stream flow aids, marinas, boat rental, docks, piers, wharves, and water measuring and monitoring devices.
- (B) Construction, placement, or improvement or maintenance of public or private culverts, utilities, bridges and stream crossings of any type or size, erosion control and protection measures.

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Section 10470 - Permitted Uses in the Floodway Fringe:

- (A) Uses permitted in the Floodway shall also be permitted in the Floodway Fringe.
- (B) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$1,000.00.
- (C) Accessory structures not for human occupancy and no larger than 576 square feet gross floor area provided the structure is certified by a registered professional engineer or architect; or the structure is created with a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding and ensuring that the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other openings provided that they permit the automatic entry and exit of floodwaters. All accessory structures shall meet the applicable requirements.

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Section 10480 – Conditional Uses in the Floodway Fringe:

The following uses shall be Conditional Uses in the Floodway Fringe, provided they meet all applicable standards and requirements of this Ordinance and any conditions attached by the Zoning Committee in granting the Conditional Use Permit;

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- ~~1-~~(A) All Conditional Uses in the Floodway are limited to those listed previously.
- ~~2-~~(B) Residential, commercial, industrial, manufacturing or similar structures or buildings, with the exception of mobile/modular or manufactured homes or structures which are prohibited uses in special flood hazard areas.
- ~~3-~~(C) Storage or processing of materials.
- ~~4-~~(D) Parking and loading areas.
- ~~5-~~(E) Wastewater treatment and disposal systems.
- ~~6-~~(F) Flood control or mitigation structures and measures.
- ~~7-~~(G) Temporary or permanent placement of material, fill, or spoil of any type or other such mounding or embankment or additions or extensions thereto.

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Section 10500 – Flood Plains Development Standards:

In addition to other applicable Development Standard provisions, the following standards for arrangement, development, and use of land and buildings shall be required in the Regulatory Flood Plain District.

Section 10510 – Flood Plains Development Standards – Anchoring:

All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

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Section 10520 – Flood Plains Development Standards – Maintain Flow Characteristics:

No use of the Floodplain shall unduly or adversely affect or impact the efficiency, flow characteristics, or flood heights of the main channel or other affected tributaries, ditches, drainage facilities or systems, for storm frequencies up to and including the Base Flood event. No use or encroachment within the Floodway shall increase the Base Flood Elevation.

Section 10530 – Flood Plains Development Standards – Minimize Flood Damage:

All activities and developments shall be planned, designed, constructed, and installed consistent with the need to minimize damages in time of flooding.

Section 10540 – Flood Plains Development Standards – Storage or Processing of Materials:

Storage or processing of materials which are buoyant, pollutants, flammable, explosive, or could be injurious to human, animal or plant life in time of flooding shall be stored one and one half (1 1/2) feet above the Base Flood Elevation, or suitably flood-proofed and protected. The Ohio EPA shall approve proposed protection measures and safeguards. Storage of materials or equipment or placement of other obstructions which in time of flooding may be dislodged or otherwise carried off site by flood waters to the possible damage or detriment to life or property must be protected by suitable safety measures approved by the Zoning Commission.

Section 10550 – Flood Plains Development Standards – Parking & Loading Areas:

Public or private parking or loading areas which would be inundated to a depth of one and one-half feet or more or subjected to flow velocities over four (4) feet per second must be provided with adequate flood warning devices and measures approved by the Zoning Commission.

Section 10560 – Flood Plains Development Standards – Public & Private Utilities or Facilities:

Wastewater treatment and disposal facilities must be approved by the Ohio EPA, the Municipal Engineer, or the County District Board of Health, whichever has jurisdiction, and must be elevated or flood proofed to provide protection from the Base Flood. Activities or developments such as bridges, culverts, docks, wharves, piers, water supply systems, sanitary sewer systems, storm sewers and works, or construction of other public or private utility works and appurtenances shall be planned, designed, constructed, installed, and maintained consistent with the need to minimize the potential of flood damage to them and to the community in accordance with this Ordinance. Compensating measures shall be required by this Ordinance to offset potential impacts of such projects.

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Section 10570 – Flood Plains Development Standards – Flood or Erosion Control Measures or Watercourse Alteration or Relocation:

Dams, dikes, levees, embankments, floodwalls, rip rap, rock protection, or other flood or erosion control measures and any alteration or relocation of the channel or watercourse shall be subject to all applicable provisions of the Ohio Revised Code and all other applicable state, federal, county and local ordinances and regulations. Such measures over three (3) feet in height or involving over one thousand (1,000) square feet of surface area may be submitted by the Community NFIP Administrator (County Engineer) to the U.S. Army Corps of Engineers and/or the Ohio Department of Natural Resources for review, recommendations, and approval as appropriate. Flood control measures intended to remove lands from the Regulatory Floodplain District classification must be approved by FEMA. The Regulatory Floodplain District shall be changed to coincide only with effective revisions to published NFIP maps.

Section 10600 - Buildings & Structures Located in a Flood Plain District:

Temporary or permanent placement of buildings and structures, new construction and substantial improvement of residential and nonresidential buildings shall meet the following:

Section 10610 - Residential Construction within a Flood Plain District:

- a)(A) Flood protection shall be achieved by elevating the building. Buildings shall not be permitted with floor levels below the base flood elevation. The lowest floor, including basement, shall be at least one foot above the Base Flood Elevation, plus Floodway computation increases. Floodway computation increases range from 0.0 to 0.5 feet and are listed in the Flood Insurance Study published by FEMA.
- b)(B) All structural, site and/or grading plans for residential development activities in the floodplain shall be prepared and sealed by a registered professional engineer and/or architect.
- c)(C) The applicant shall obtain and furnish to the Community NFIP Administrator (County Engineer) as-built elevations, certified by a Registered Surveyor, of the basement and first floor, to be maintained on file for public inspection.
- d)(D) No residential buildings and/or structures shall be located in the Floodway portion of the Floodplain.

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Section 10620 - Non-residential Construction within a Flood Plain District:

- a)(A) New construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated at least one foot above the Base Flood Elevation, plus floodway computation increases; or, together with attendant utility and sanitary facilities, shall be flood-proofed so that the structure is watertight with walls substantially impermeable to the passage of water to at least one foot above the Base Flood Elevation, plus floodway computation increase; have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and, be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. A flood proofing certificate, to be completed by a registered professional engineer or architect is required if flood proofing is chosen over elevation.
- b)(B) All structural, site and/or grading plans for nonresidential development activities in the floodplain shall be prepared and sealed by a registered professional engineer and/or architect.
- c)(C) The applicant shall obtain and furnish to the Community NFIP Administrator as-built elevations, certified by a Registered Surveyor, of the basement and first floor, to be maintained on file for public inspection.
- d)(D) No nonresidential buildings and/or structures shall be located in the Floodway portion of the Floodplain.

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Section 10700 – Floodways:

The Flood Insurance Study identifies a segment within areas of special flood hazard known as a floodway. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential.

Section 10710 – Areas with Floodways:

The following provisions apply within all delineated Floodway Areas:

- a)(A) See Part.11 (a) and (b) for residential and nonresidential floodway development provisions.
- b)(B) Other encroachments, including fill, and other development are prohibited unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.

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e)(C) Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon prior approval by the Federal Emergency Management Agency.

Section 10720 - Areas without Floodways:

In all areas of special flood hazard where FEMA has provided base flood elevation data but has not delineated a floodway, the following provisions apply:

a)(A) Encroachments, including fill, and other development shall only be permitted if it is demonstrated that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one-half foot at any point.

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Section 10800 – Regulatory Flood Plain District – Additional Plan Requirements:

For Zoning Compliance, Conditional Use Permit, and Variance applications involving the Regulatory Floodplain District, the applicant shall furnish sufficient information to permit the Zoning Administrator, County Engineer and/or Zoning Committee to determine the Regulatory Floodplain and Floodway Boundaries and Base Flood Elevations, and to otherwise facilitate the administration and enforcement of this Ordinance. Such information shall include but not be limited to the following:

- 1-(A) Plans drawn to scale showing the nature, location, dimensions, and details of the property, development activities, and land use, both existing and proposed;
- 2-(B) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in special flood hazard areas where base flood elevation data are utilized;
- 3-(C) Existing and proposed topographical information;
- 4-(D) Elevation in relation to mean sea level to which any proposed structure will be flood proofed where base flood elevation data are utilized including certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria.
- 5-(E) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.
- 6-(F) Other information as may be reasonably deemed necessary by the Community NFIP Administrator (County Engineer).
- 7-(G) The applicant shall submit certification of finished elevations, and/or other proofs or assurances of compliance with approved plans to the satisfaction of the Community NFIP Administrator (County Engineer).
- 8-(H) Permits issued on the basis of applications, plans, specifications, and other information approved by the Community NFIP Administrator (County Engineer) shall authorize only the use, arrangement, and construction set forth therein.

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Section 10820 – Compliance with Approved Plans:

Building Permits or Conditional Use Permits issued on the basis of applications, plans, specifications, and other information approved by the Zoning Administrator or Zoning Committee shall authorize only the use, arrangement, and construction set forth therein. The applicant shall submit certification of finished elevations, and/or other proofs or assurances of compliance with approved plans to the satisfaction of the Zoning Administrator and/or the Zoning Committee.

Section 10830 - Compliance with the National Flood Insurance Program:

Administration:

The administration of this Zoning Ordinance shall in no way lower any requirement or standard of the National Flood Insurance Program, 44 CFR Part 60.3 and 60.6.

Community NFIP Administrator: The Community NFIP Administrator shall review all applications involving Conditional Uses and Variances in the Floodplain and prepare a brief report and recommendation to be submitted to the Zoning Committee prior to action.

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Section 10840 – Flood Zone Warning and Disclaimer of Liability

This Part of the Zoning Resolution does not imply that areas outside the Regulatory Floodplain District or uses allowed or otherwise permitted or approved within the Regulatory Floodplain District in accordance with the provisions of this Ordinance will be free from flooding or flood damages. This Resolution or its administration and/or enforcement shall not create liability on the part of the Township, any officer or employee of the Township, or other staff or personnel involved in its administration and/or enforcement. Additional flood protection beyond that required by this Resolution is recommended and encouraged.

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ARTICLE XI – SIGNS AND ADVERTISING

Section 11001 – Signs & Advertising – Purpose:

The purpose of this chapter is to provide standards for on-site signs to safeguard life, health, property, safety, and public welfare, while encouraging creativity, variety and compatibility, and protection of the Township's rural character as articulated in the Comprehensive Land Use and Growth Plan. The provisions of this Chapter are intended to:

- 1-(A) Encourage creative and well-designed signs that contribute in a positive way to the Township's visual environment, express local character, and help develop a distinctive image for the Township. Predictable and mediocre signs are discouraged.
- 2-(B) Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Signs should be compatible and integrated with the building's architectural design and with other signs on the property.
- 3-(C) Recognize that signs are a necessary form of communication, and provide flexibility within the sign review/approval process to allow for unique circumstances and creativity.

Section 11010 – Signs & Advertising – Applicability:

- a-(A) Sign standards – The sign standards provided in this Article are intended to apply to signs in each zoning district in the Township. Only signs authorized by this Article shall be allowed.
- b-(B) Existing signs; continuance – Except as otherwise specifically provided, nothing in this chapter shall require removal or discontinuance of an existing on-premises or existing off-premises sign. Such signs shall not be enlarged or extended and the same shall be deemed a nonconforming sign under the terms of this Zoning Resolution.
- e-(C) Nonconforming signs – Nonconforming signs are subject to the provisions of Article IV, Administration and Enforcement in addition to this Article.
- d-(D) Content not regulated – The Township regulates only the physical location, size, massing and appearance of signage. This Resolution shall not be used to restrict content or Constitutionally-protected free speech.

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Section 11020 – Signs & Advertising – Sign Permits:

a-(A) Sign permits required. To ensure compliance with the regulations of this Article, a Sign Permit shall be required in order to apply, erect, move, alter, reconstruct, or repair any permanent or temporary sign, except signs that are exempt from permits in compliance with Section 8016. Additional permits may be required through the Building Department.

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b-(B) Review authority. The Zoning Administrator will review all sign permit applications within the Township. If and when a Township Architectural Review Board is established, the board shall also review all sign permit applications for consistency with the Comprehensive Land Use and Growth Plan policies, and with Design Standards in Article IX. The Zoning Administrator has thirty (30) days from the date of submittal to review all sign permit applications and either grant or deny the sign permit application.

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c-(C) Preparation. Applicants for a sign permit must submit the following information.

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- 1-(1) Color sign rendering.
- 2-(2) Site plan and elevations.
- 3-(3) Sign dimensions and dimensions of sign mounting material, where applicable.
- 4-(4) Distance from all public rights-of-way.
- 5-(5) Style, type, wattage, and location of all lighting.
- 6-(6) List of construction materials, including sign mounting material, where applicable.

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(D) Criteria for approval. The Zoning Administrator may approve a sign permit if the proposed sign:

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- 1-(1) Meets the requirements of this Chapter;
- 2-(2) Is in compliance with the Sign Design Guidelines;
- 3-(3) Would not interfere with pedestrian or vehicular safety;
- 4-(4) Would not detract from the character of a historic or architecturally significant structure;
- 5-(5) Would not be located so as to have a negative impact on adjacent property;
- 6-(6) Would not detract from the pedestrian quality of street or area; and
- 7-(7) Would not add to an over proliferation of signs on a particular property or area.

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(E) Modification of standards. Modifications to the requirements of this Section may be requested in compliance with Article IV.

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Section 11030 – Signs & Advertising – Sign Standards by Zoning District:

All signs shall comply with the standards of the applicable zoning district, in compliance with the following provisions, in the tables located in Appendix E – Signs.

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Table 11030(A) - Sign Standards for Residential Zoning Districts

Under current Zoning guidelines, this applies to U-1, R-1, and residential portions of Planned Unit Development Districts.

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Sign Class	Maximum number per site ¹	Permit Required	Permitted Sign Types	Maximum Area per Sign	Maximum Height (Entire Structure)	Lighting Allowed	Additional Requirements
Single-family subdivision identification signs	None	N/A	None				
Multi-family development	1 per entrance	Y	Monument	32 SF	6'	No	Must not be located closer than 5 feet from the nearest right-of-way
		Y	Freestanding bracket	32 SF	6'	No	Must not be located closer than 5 feet from the nearest right-of-way
		Y	Cantilever	16 SF	15'	No	No internal

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<u>Home Occupation</u>	<u>1</u>	<u>Y</u>	<u>Wall</u>	<u>6 SF</u>	<u>12'</u>	<u>No</u>	<u>illumination</u> <u>No internal illumination</u>
		<u>Y</u>	<u>Freestanding bracket or Cantilever</u>	<u>10 SF</u>	<u>3'</u>	<u>No</u>	<u>No internal illumination</u>
<u>Public or Private Schools</u>	<u>1 per side of street frontage</u>	<u>Y</u>	<u>Wall</u>	<u>1 SF per linear foot of wall surface up to 75 SF</u>	<u>10'</u>	<u>Yes</u>	<u>No internal illumination</u>
		<u>Y</u>	<u>Monument</u>	<u>48 SF</u>	<u>6'</u>	<u>Yes</u>	<u>No internal illumination</u>
		<u>Y</u>	<u>Freestanding bracket</u>	<u>32 SF</u>	<u>6'</u>	<u>Yes</u>	<u>No internal illumination</u>
		<u>Y</u>	<u>Cantilever</u>	<u>25 SF</u>	<u>15'</u>	<u>Yes</u>	<u>No internal illumination</u>
<u>Child Daycare Center</u>	<u>1 per side of street frontage</u>	<u>Y</u>	<u>Wall</u>	<u>1 SF per linear foot of wall surface up to 48 SF</u>	<u>3'</u>	<u>Yes</u>	<u>No internal illumination</u>
		<u>Y</u>	<u>Monument</u>	<u>32 SF</u>	<u>3'</u>	<u>Yes</u>	<u>No internal illumination</u>
<u>Sign Class</u>	<u>Maximum number per site¹</u>	<u>Permit Required</u>	<u>Permitted Sign Types</u>	<u>Maximum Area per Sign</u>	<u>Maximum Height (Entire Structure)</u>	<u>Lighting Allowed</u>	<u>Additional Requirements</u>
<u>Churches or Other Places of Worship</u>	<u>1 per side of street frontage</u>	<u>Y</u>	<u>Monument</u>	<u>32 SF</u>	<u>6'</u>	<u>Yes</u>	<u>No internal illumination</u>
		<u>Y</u>	<u>Wall</u>	<u>1 SF per linear foot of wall surface up to 48 SF</u>	<u>6'</u>	<u>Yes</u>	<u>No internal illumination</u>
		<u>Y</u>	<u>Freestanding bracket</u>	<u>32 SF</u>	<u>6'</u>	<u>Yes</u>	<u>No internal illumination</u>
		<u>Y</u>	<u>Cantilever</u>	<u>25 SF</u>	<u>15'</u>	<u>Yes</u>	<u>No internal illumination</u>

Notation 1 – The total number of signs permitted per site can be any combination of the permitted sign types. The maximum number per site does not maximum number per each permitted sign type.

Notation 2 – All lighting of signs must be with down-cast lighting fixtures

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Table 11030(B) – Sign Standards for Non-Residential Zoning Districts

Under current Zoning guidelines, this applies to ~~P-1, B-2, B-3, M-12~~, EQ and non-residential portions of Planned Unit Development Districts.

<u>Sign Class</u>	<u>Maximum number per site</u>	<u>Permit Required</u>	<u>Permitted Sign Types</u>	<u>Maximum Area per Sign</u>	<u>Maximum Height (Entire Structure)</u>	<u>Lighting Allowed</u>	<u>Additional Requirements</u>
<u>Business identification – Primary business frontage</u>	<u>2 per primary business frontage</u> <u>1 per side of street frontage</u>	Y	<u>Wall</u>	<u>1 SF per linear foot of wall surface up to 80 SF</u>	<u>15'</u>	<u>Yes</u>	
		Y	<u>Window</u>	<u>More than one window sign is permitted; however the maximum area may not exceed the total allowed for wall signs</u>		<u>No</u>	<u>Window signs may not be larger than twenty-five (25) percent of the aggregate window area</u> <u>Window signs are limited to one per window</u>
		Y	<u>Awning / Canopy</u>	<u>N/A</u>	<u>N/A</u>	<u>No</u>	
		Y	<u>Blade / Bracket³</u>	<u>8 SF</u>	<u>4'</u>	<u>Yes</u>	<u>No internal illumination</u>
		Y	<u>Freestanding Bracket³</u>	<u>48 SF</u>	<u>6'</u>	<u>Yes</u>	
		Y	<u>Monument</u>	<u>48 SF</u>	<u>6'</u>	<u>Yes</u>	<u>Not allowed for second story tenants unless part of a directory sign</u> <u>No internal illumination</u>
		Y	<u>Cantilever</u>	<u>25 SF</u>	<u>15'</u>	<u>Yes</u>	<u>No internal illumination</u>
<u>Business identification – Secondary business frontage</u>	<u>1 per secondary business frontage</u>	Y	<u>Wall</u>	<u>1 SF per linear foot of wall surface up to 6 SF</u>	<u>2'</u>	<u>Yes</u>	
		Y	<u>Awning / Canopy</u>	<u>N/A</u>	<u>N/A</u>	<u>No</u>	
		Y	<u>Wall</u>	<u>1 SF per linear foot of wall surface up to 50 SF</u>	<u>10'</u>	<u>Yes</u>	<u>Allowed only for uses with no business frontage facing a public street</u> <u>No internal illumination</u>
		Y	<u>Window</u>	<u>More than one window sign is permitted; however the maximum area may not exceed the total allowed for wall signs</u>		<u>No</u>	<u>Window signs may not be larger than twenty-five (25) percent of the aggregate window area</u> <u>Window signs are limited to one per window</u>
		Y	<u>Awning / Canopy</u>	<u>N/A</u>	<u>N/A</u>	<u>No</u>	

Notation 3 – Only one permitted per site

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Table 11030(C) – Signs Exempt from Permits and Temporary Signs

The following sign classes are allowed in any Zoning District and are exempt from sign permits or are deemed to be of a temporary nature.

<u>Sign Class</u>	<u>Maximum number per site</u>	<u>Permit Required</u>	<u>Permitted Sign Types</u>	<u>Maximum Area per Sign</u>	<u>Maximum Height (Entire Structure)</u>	<u>Lighting Allowed</u>	<u>Additional Requirements</u>
<u>Flags, Pennants or Insignia of any nation, state, township, political unit or educational institution</u>		N	<u>Flags, Pennants</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	
<u>Signs of a duly constituted government body</u>		N	<u>All types</u>	<u>N/A</u>	<u>N/A</u>	<u>No</u>	<u>Window signs may not be larger than twenty-five (25) percent of the aggregate window area. Window signs are limited to one per window</u>
<u>Cornerstones, Commemorative tablets and historical signs</u>		N		<u>10 SF</u>		<u>No</u>	
<u>Property address signs, or signs with the names of occupants of a residential property</u>		N	<u>All types</u>	<u>1 SF</u>	<u>4'</u>		<u>No internal illumination</u>
<u>Official neighborhood watch signs</u>		N	<u>All types</u>	<u>2 SF</u>	<u>5'</u>		
<u>Signs authorized by Ohio Dept. of Transportation within their right-of-way</u>		N					<u>To be located in ODOT right-of-way</u>
<u>Off-site directional signs to publicly owned facilities or emergency facilities</u>		N	<u>All types</u>	<u>12 SF</u>	<u>4'</u>	<u>Y</u>	
<u>Off-site signs that are part of and accessory to bus shelters, transit shelters, or banners attached to streetlights and other similar structures and installed by the Township or in compliance with an agreement with the Township</u>		N	<u>Wall signs and banners</u>	<u>4 SF</u>		<u>Yes</u>	
<u>Signs located inside a building</u>		N	<u>Interior</u>				<u>Must not be plainly visible from the exterior of the building</u>
<u>Business identification</u>	<u>1 per tenant space</u>	N	<u>Wall – On or over a showing window or door</u>	<u>3 SF</u>	<u>10'</u>	<u>No</u>	<u>Limited to name of proprietor and nature of business</u>
<u>Second or higher floors of a building</u>	<u>1 per use</u>	N	<u>Window</u>	<u>25% of aggregate window area</u>		<u>No</u>	<u>Meet other requirements of this section</u>
<u>Directional signs, entry or exit to parking</u>		N		<u>4 SF</u>	<u>3'</u>	<u>No</u>	<u>Cannot be in ROW or obstruct motorist line of sight</u>
<u>Accessibility signs indicating special parking for the</u>	<u>1 per parking</u>	N	<u>Pole / Bracket /</u>	<u>2 SF</u>	<u>4'</u>	<u>Yes</u>	<u>Imprinted with the universal sign of</u>

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<u>handicapped</u>	<u>space</u>		<u>Wall</u>				<u>accessibility</u>
<u>Official and legal notices required by a court or government agency</u>		<u>N</u>	<u>Tempor</u> <u>y – All</u> <u>types</u>				
<u>Real Estate signs located on < 20 acres</u>	<u>1 per lot</u>	<u>N</u>	<u>Tempor</u> <u>y – All</u> <u>types</u>	<u>4 SF</u>	<u>10'</u>	<u>No</u>	<u>Remove 10 days after sale complete</u>
<u>Real Estate signs located on 20 acres or more</u>	<u>1 per road frontage</u>	<u>N</u>	<u>Tempor</u> <u>y – All</u> <u>types</u>	<u>32 SF per face (max 64 SF total)</u>	<u>8'</u>	<u>No</u>	<u>Remove 10 days after sale complete; cannot be in ROW</u>
<u>Open house signs</u>	<u>3 off premise directional</u>	<u>N</u>	<u>Maximum 48 hours display</u>	<u>4 SF</u>		<u>No</u>	<u>Cannot be in ROW, must be with property owners' permission</u>
<u>Promotion of community services, schools, churches</u>	<u>1 per lot</u>	<u>N</u>	<u>Maximum of 30 days uninterrupted display</u>				
<u>Decorations associated with national, state, local or religious holidays</u>		<u>N</u>	<u>Flags / Signs / Lights / Maximum 30 days after the holiday</u>			<u>Yes</u>	<u>Can contain no advertising</u>
<u>Political signs</u>		<u>N</u>	<u>Maximum 30 days prior to election and 72 hours after the election</u>	<u>4 SF</u>	<u>4'</u>	<u>No</u>	<u>Cannot be in ROW or on any fences or poles in ROW</u>
<u>Business "sandwich board"</u>	<u>1 per business location</u>	<u>N</u>	<u>Limited to daylight hours</u>	<u>Not more than 3' wide</u>	<u>4'</u>	<u>No</u>	<u>Must leave 4' of sidewalk for passage, only display during daylight hours</u>

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Section 11040 – General Requirements:

- (A) Outdoor advertising signs. Outdoor advertising signs shall be limited to signs pertaining to advertising exclusively for the use established or goods sold or services rendered on the premises.
- (B) Encroachment into public right-of-way. No sign shall encroach into a public right-of-way, except that a blade/bracket sign attached to a building may project a maximum of three feet over a public sidewalk, if the lowest part of the sign is at least eight feet above the sidewalk surface.
- (C) Illumination of signs. The artificial illumination of signs, either from an internal or external source, shall be designed to eliminate negative impacts on surrounding rights-of-way and properties. The following standards shall apply to all illuminated signs:
 - 1-1 External light sources shall be directed downward and shielded to limit direct illumination of any object other than the sign;
 - 2-2 The light from an illuminated sign shall not be of an intensity or brightness that will create a negative impact on residential properties in direct line of sight to the sign;
 - 3-3 Signs shall not have blinking, flashing, or fluttering lights, or other illuminating devices that have a changing light intensity, brightness or color;
 - 4-4 Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices;
 - 5-5 Reflective type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property; and
 - 6-6 Light sources shall utilize energy efficient fixtures to the greatest extent possible;
 - 7-7 Bulbs and lamps must be maintained in working order and replaced when broken or burned out;
 - 8-8 Lighted signs must be "turned off" when establishment is closed.
- (D) Colors. Simple combinations of no more than three (3) colors may be used on the sign face, and must be harmonious with each other and the surroundings. Black and White shall be considered colors.
- (E) Lettering Styles and Sign Coverage. No more than two letter styles are permitted per sign. Letters may not occupy more than 75 percent of any sign panel.
- (F) Measurement of sign area.
 - 1-1 The surface area of a sign shall be calculated by enclosing the extreme limits of all lettering, background, emblem, logo, representation, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines drawn at right angles. See Figure 1.

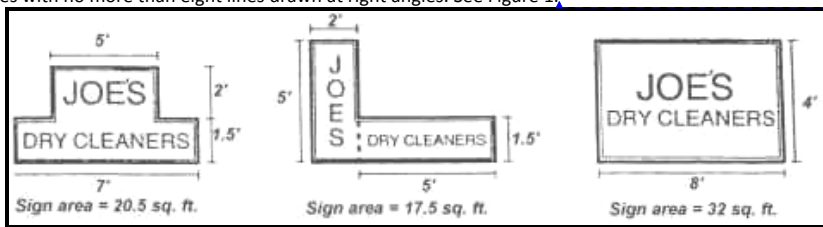


Figure 1 Sign Measurement Area

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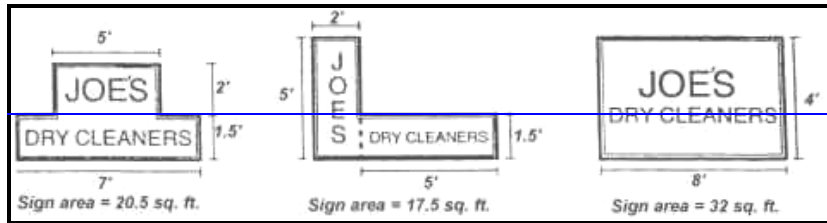


Figure 11. Sign Measurement Area

- 3.(2) Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
- 4.(3) Double-faced (back-to-back) signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed two feet at any point. Only one face of an identical double-faced sign shall be measured when determining maximum allowable area.
- 5.(4) Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane. Signs with three-dimensional objects that exceed a projection of six inches from the sign face may be approved in compliance with allowances for Creative Signs.
- 6.(5) Time and temperature devices shall not be included within the measurement of maximum sign area.
- (A)(G) Sign copy: The sign copy (text) of permanent signs shall relate only to the name and/or nature of the business. Permanent signs that advertise continuous sales, special prices, etc. shall not be allowed.
- (B)(H) Alterations: No display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this Article. The repainting of signs shall not be deemed to be an alteration within the meaning of this Resolution.
- (C)(I) Sign maintenance: Signs and supporting hardware, including temporary signs and time/temperature signs shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Visible rot or rust, falling parts, burned out bulbs or broken parts are prima fascia evidence that a sign is not in a state of good repair. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.
- (D)(J) Notice to repair: When the Zoning Administrator determines that such a sign exists in a state of disrepair, the Zoning Administrator shall issue to the owner of the sign and the owner of the real estate a notice of such disrepair and the need for corrective action.
- (E)(K) Sign removal or replacement: When a business ceases operation for at least 90 days, the sign shall be removed. The property owner may request a variance to extend this time. When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.
- (F)(L) Appeals: Any individual that believes the requirements of this Article impose an unreasonable burden may request and present a case for a Variance to the Township Zoning Commission. Any action or decision of the Zoning Administrator with respect to Signs, may be appealed through the Township Board of Zoning Appeals as outlined in Article IV Administration and Enforcement.

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Section 11050 – Standards for Specific Types of Signs:

(A) Awning and canopy signs. Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied, as follows.

- (1) Location. Signs may be placed only on awnings that are located on first- and second-story building frontages, including those fronting a parking lot or pedestrian way.
- (2) Maximum area and height. No structural element of an awning or canopy shall be located less than eight feet above finished grade. An awning valance shall be located no less than seven feet above finished grade.
- (3) Lighting. Awnings shall not be internally illuminated except as part of a creative sign. Lighting directed downwards that does not illuminate the awning is allowed.
- (4) Required maintenance. Awning and canopy signs shall be regularly cleaned and kept free of dust and visible defects.



Figure 2. Canopy/Awning Sign



Figure 3. Blade/Bracket Sign

(A)(B) Blade/bracket signs.

- 1-(1) Location. Blade or bracket signs shall be placed only on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access.
- 2-(2) Maximum area and height. The lowest point of a blade or bracket signs shall be at least eight feet above finished grade.
- 3-(3) Sign structure. Sign supports and brackets shall be compatible with the design and scale of the sign.

(B)(C) Changeable copy signs.

- (1) Limitations on use and sign area. Changeable copy signs may only be allowed:
 - i-(a) In conjunction with facilities used exclusively for educational, religious, governmental, cultural, or theatrical purposes subject to the approval of a comprehensive sign program and limited to a maximum area of twelve (12) square feet; or
 - ii-(b) To advertise gasoline prices.
- (4)(2) Portable changeable copy signs. Portable changeable copy signs are prohibited.

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(A)(D) Freestanding bracket signs.

- (1) **Location.** The sign may be located only on a site frontage adjoining a public street. In any case signs must be located no closer than five (5) feet to the public right of way line.
- (2) **Sign mounting.** The sign shall be mounted on one or more posts or have a solid monument-type base. Posts shall not have a diameter greater than 12 inches.
- (3) **Landscaping requirements.** Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 20 square feet of sign area = 40 square feet of landscaped area. The Zoning Administrator may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

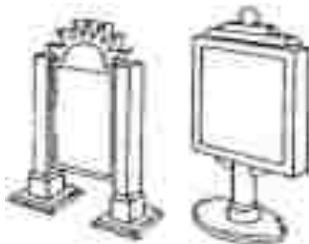


Figure 4. Freestanding Bracket Sign

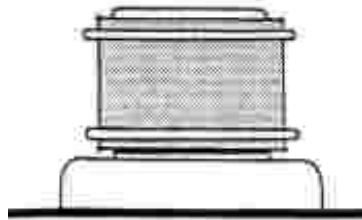


Figure 5. Monument Sign

(A)(E) Monument signs.

- (1) **Location** - The sign may be located only along a site frontage adjoining a public street. Signs must be no closer than 5 feet to the public right of way line.
- (2) **Material** - The base of must be constructed of a natural material.
- (3) **Design** - The design of a monument sign shall be consistent with the overall scale of the building - The design and placement of the sign shall not obstruct traffic safety sight areas.
- (4) **Landscaping requirements** - Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 20 square feet of sign area = 40 square feet of landscaped area. The Zoning Administrator may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

(B)(F) Wall signs.

- (1) **Location.** The sign shall not be placed to obstruct any portion of a window, doorway, transom, or other architectural detail.
- (2) **Projection from wall.** The sign shall not project above the edge of the roof of a structure and from the surface upon which it is attached more than required for construction purposes and in no case more than 12 inches in a commercial or industrial district. In a residential district, a wall sign shall not project more than 3 inches.

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(C)(G) Cantilever signs.

- (1) Location. The sign may be located along any site frontage adjoining a public street.
- (2) Design. The design of a cantilever sign shall be consistent with the overall scale of the building. The design and placement of the sign shall not obstruct traffic safety sight areas.
- (3) Landscaping requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 20 square feet of sign area = 40 square feet of landscaped area. The Zoning Administrator may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

Figure 66 Cantilever Sign

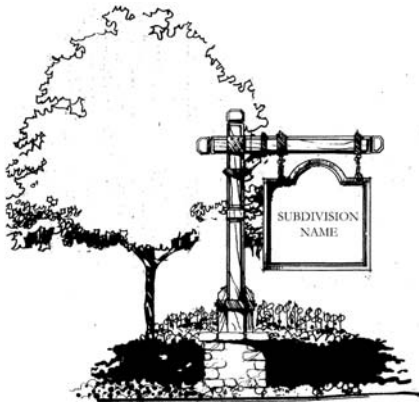


Figure 6 Cantilever Sign

(H) Outdoor Advertising / Billboards.

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h. Outdoor Advertising / Billboards:

- (1) **Location:** The sign may be located only along a site frontage adjoining a public street. Signs must be no closer than 5 feet to the public right of way line.
- (2) **Material:** The base of must be constructed of a natural material.
- (3) **Design:** The design of an outdoor advertising / billboard sign shall be consistent with the overall scale of the building. The design and placement of the sign shall not obstruct traffic safety sight areas.
- (4) **Landscaping requirements:** Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 20 square feet of sign area = 40 square feet of landscaped area. The Zoning Administrator may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.
- (5) **Lighting:** No lighted signs.
- (6) **Maintenance Requirements:** All signs must be maintained.

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Section 11100 – Creative Signs;

- (A) **Purpose:** This Section establishes standards and procedures for the design, review and approval of Creative Signs. The purposes of this creative sign program are to:
- (1) Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
 - (2) Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the Township, while mitigating the impacts of large or unusually designed signs.
- (B) **Applicability:** An applicant may request approval of a Sign Permit under the Creative Sign Program to authorize on-site signs that employ standards that differ from the other provisions of this Chapter but comply with the provisions of this Section. For the purposes of this Article, murals shall be considered creative signs and therefore require the submittal of a creative sign permit application.
- (C) **Approval authority:** A Sign Permit application for a Creative Sign shall be subject to approval by the Zoning Administrator or the Architectural Review Board should one become established.
- (D) **Appeals:** Any individual that believes the requirements of this Article impose an unreasonable burden may request and present a case for a Variance to the Township Zoning Commission. Any action or decision of the Zoning Administrator with respect to Signs, may be appealed through the Township Board of Zoning Appeals as outlined in Article IV Administration and Enforcement.
- (E) **Application requirements:** A Sign Permit application for a Creative Sign shall include all information and materials required by the Department, and the filing fee set by the Township.
- (F) **Design criteria:** In approving an application for a Creative Sign, the Zoning Administrator shall ensure that a proposed sign meets the following design criteria:
1. **Design quality.** The sign shall:
 - i.-(a) Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area.
 - ii.-(b) Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
 - iii.-(c) Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion.
 - 2.-(2) **Contextual criteria.** The sign shall contain at least one of the following elements:
 - i.-(a) Classic historic design style;
 - ii.-(b) Creative image reflecting current or historic character of the Township;
 - iii.-(c) Inventive representation of the use, name or logo of the structure or business.
 - 3.-(3) **Architectural criteria:** The sign shall:
 - i.-(a) Utilize and/or enhance the architectural elements of the building; and
 - ii.-(b) Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features/details of the facade.

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Section 11200 – Prohibited Signs;

The following signs and types of signs are inconsistent with the purposes and standards of this Article and are prohibited in all zoning districts unless otherwise expressly allowed by the Ohio Revised Code.

- (A) No display signs except those exempted in Section 11016, park/recreation sign, church sign, public/private school sign, comprehensive subdivision type signage, and temporary signs shall be permitted in any residential district, excluding parcels occupied by commercial uses in Planned or conditional uses permitted in a residential district.
- (B) No Sign shall be placed within any public right-of-way, except by permission of Ohio Department of Transportation (ODOT) or the Union County Engineer.
- (C) Flashing, moving, rotating, intermittently lighted signs or other mechanical devices.
- (D) Air actuated attraction devices.
- (E) Roof signs.
- (F) Pole signs.
- (G) Portable changeable copy signs except as noted in Section 10005 (a) (4) (c) above.
- (H) Electronic variable message signs and portions of signs, and reader boards (not including "time and temperature" signs).
- (I) Billboards and all off-premises signs except for church and institutional directional signs and special event signs provided for in Sections 10014 or 10016.
- (J) Any sign not included under the types of signs permitted in any district regulations or in this section.

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Section 11300 – Temporary Signs Requiring Permits:

A temporary sign permit is required prior to the erection or construction of any temporary sign listed below. No sign shall contain more than two (2) faces. The maximum square footage allowed for a temporary sign shall apply to each face.

a)(A) Subdivision Signs – Signs advertising the sale of platted lots in a subdivision may be erected and displayed in such subdivision provided that not more than one (1) such sign facing on any one (1) street shall be permitted in any subdivision. Such signs may also be used to advertise the sale or lease of multi-family units or store or office space in a commercial development, however, such signs shall not be utilized to advertise the sale, lease or development of land. Such signs shall be limited to twenty-four (24) square feet in area, be not more than eight (8) feet in height and be located not closer than fifteen (15) feet from any public right-of-way. Such signs shall be permitted for a one (1) year period or until ownership of at least of sixty (60) percent of the platted lots is transferred.

b)(B) Banner Signs – Banner signs may be installed subject to the following requirements:

- ~~1~~ 1 That the size of the banner sign shall not exceed that allowed for a permanent wall sign.
- ~~2~~ 2 That a banner sign may only be displayed for a period not to exceed thirty (30) days in any calendar quarter, and no more than four (4) times per calendar year.
- ~~3~~ 3 That a banner sign shall not be displayed above the roof line of any structure.
- ~~4~~ 4 That a banner sign shall not have more than three (3) colors. For the purpose of this Section, black and white shall be considered colors.
- ~~5~~ 5 For the purpose of this section, advertising signs containing representations of any flag or national, state or local emblem shall be considered as part of the banner sign and not exempt as permitted under Section 11016.

e)(C) Bond for Signs over Public Street or Sidewalk – Each temporary sign permit issued for the erection or maintenance of any sign located over a public street or sidewalk shall contain a condition that the permit holder furnishes a bond set by the Township Trustees to hold the Township harmless from liability for injury to third persons.

e)(D) Portable Signs – Portable signs shall be limited to unlit signs and shall be permitted for not more than two (2) weeks per year for each business. Such signs shall be not more than four (4) feet high and not more than eight (8) feet wide and mounted such that the overall height is not greater than seven (7) feet above the ground. Portable signs shall not be located in any right-of-way and shall be located such that they do not obstruct the view of motorists for the purposes of ingress and egress.

e)(E) Construction Signs – Construction signs announcing the names of contractors, material men, developers, designers and financial institutions participating in the construction of a building shall be permitted only during the actual time of construction and shall be limited to only one (1) sign per building, shall not exceed sixteen (16) square feet in area for a residential project and thirty-two (32) square feet for a non-residential project, shall not exceed four (4) feet in height for a residential project and ten (10) feet in height for a non-residential project, and shall be located no closer than fifteen (15) feet from any public right-of-way. Such signs shall be removed within thirty (30) days after the Certificate of Occupancy is issued.

Section 11310 – Signs Exempt From Permit Requirements, Permanent:

Sign permits shall not be required for the signs listed in this Section. These exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site.

- ~~1~~ 1-(A) The flag, pennants or insignia of any nation, state, Township, or other political unit or jurisdiction.
- ~~2~~ 2-(B) Cornerstones, commemorative tablets and historical signs, not to exceed ten (10) square feet in area.
- ~~3~~ 3-(C) Signs bearing only residential property address or names of occupants of residential premises, not to exceed one (1) square foot in area. Signs bearing only non-residential street number, not to exceed one (1) square foot in area.

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- 4.(D) Off-site signs that are part of and accessory to bus shelters or transit shelters located in the public right-of-way, or banners attached to streetlights and other similar structures and installed by the Township or in compliance with an agreement with the Township.
- 5.(E) One wall sign on or over a show window or door of a store or business establishment, announcing only the name of proprietor and the nature of the business, not to exceed three (3) square feet in area.
- 6.(F) Signs located in residential neighborhoods that are designated official neighborhood watch areas and limited to two (2) square feet in area.
- 7.(G) Signs located off-site and providing directions to publicly owned facilities or emergency facilities and limited to 12 square feet in area.
- 8.(H) Traffic directional signs indicating points of entry or exit to off-street parking, provided such signs are not larger than four (4) square feet in area. Such signs shall not be located in a public right-of-way and shall not obstruct the view of motorists for the purposes of ingress and egress.
- 9.(I) Window signs not larger than twenty-five (25%) percent of the aggregate window area. For uses that are located in the second or higher floors of a building, window signs shall meet the requirements of this Section.
- 10.(J) A sign(s) located inside a building, provided the sign is not visible from the exterior of the building.
- 11.(K) Signs of a duly constituted government body.
- 12.(L) Elevated signs posted to indicate special parking locations for the handicapped, imprinted with the international symbol of accessibility.
- 13.(M) Flags, pennants, or insignia of any governmental or educational institution.

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Section 11320 – Signs Exempt from Permit Requirements, Temporary:

Sign permits shall not be required for the signs listed in this Section. These exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site.

- 1-(A) Official and legal notices required by a court or governmental agency.
- 2-(B) Real estate for sale, sold, rental or lease signs limited to no more than four (4) square feet in area, no more than six (6) feet in height, and with one (1) sign per lot. (Properties of less than 20 acres.)
 - i-(1) Sold signs may be posted for a period not to exceed ten (10) days.
 - ii-(2) A maximum of three (3) off-premise directional signs shall be permitted in conjunction with an open house, not to exceed forty-eight (48) consecutive hours. During the hours of the open house, one additional sign indicating that the house is open will be permitted on the property.
 - iii-(3) For property with a lot size equal to or exceeding twenty (20) acres, real estate for sale, sold, rental or lease signs are permitted to be a maximum of thirty-two (32) square feet in area for any one display area with a total display area not to exceed sixty-four (64) square feet and no more than eight (8) feet in height.
- 3-(C) Signs for the civic promotion of schools, church, or community service activities which may be displayed for a maximum of thirty (30) days.
- 4-(D) Flags, signs and sources of illumination clearly in the nature of decorations customarily associated with any national, state, local or religious holiday, and containing no advertisement.
- 5-(E) One (1) sandwich board shall be permitted for each business location not to exceed four (4) feet in height as measured from the sidewalk and shall not exceed three (3) feet in width per side. Such signs shall be limited to three (3) colors, shall be displayed only during daylight hours and shall not be located on a sidewalk less than six (6) feet in width. Damage to sandwich signs and any liability shall be the responsibility of the owner. Sandwich boards shall be placed in such a way as to leave at least four (4) feet to allow for passage.
- 6-(F) Political signs provided that they are maintained and displayed during a period of time not to exceed thirty (30) days before the election at which such candidacy, question or issue is to be submitted to voters and removed seventy-two (72) hours following such election; that such signs shall not exceed four (4) square feet in total display area and shall not exceed four (4) feet in height above the ground level and shall be displayed behind the property line or streets on which a lot or parcel fronts. The Township may enforce, at its discretion, greater distances to achieve safe view for traffic. Such signs shall not be illuminated nor be erected within any public rights-of-way or easements nor attached in any manner to any utility pole, fence or any other structure within any public rights-of-way.
- 7-(G) Special event signs shall be defined as signs which are used to present knowledge regarding some special event of community importance such as a church or community festival. Such signs shall be considered as temporary signs, do not require a permit before erection but are subject to the following requirements:
 - i-(1) Not more than two (2) such signs regarding the same topic shall be erected at any given time and located no closer than one thousand (1,000) feet from each other.
 - ii-(2) Such signs shall not impact the traffic sight triangle defined in Section 9026.
 - iii-(3) Such signs shall not be illuminated.
 - iv-(4) Such signs shall not be displayed for a period more than thirty (30) days before the event and shall be removed within forty-eight (48) hours after the event if located in any public right-of-way or within five (5) days if located elsewhere.
 - v-(5) Flexible type signs such as banners shall be provided with internal air vents to adequately relieve wind pressure.

Section 11400 – Comprehensive Sign Program, Purpose:

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A comprehensive sign program is intended to integrate the design of the signs proposed for a development project with the design of the structures, into a unified architectural statement. A comprehensive sign program provides a means for defining common sign regulations for multi-tenant projects, to encourage maximum incentive and latitude in the design and display of multiple signs and to achieve, not circumvent, the intent of this Article.

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Section 11410 – Comprehensive Sign Program, Applicability:

The approval of a comprehensive sign program shall be required whenever any of the following circumstances exist, or whenever an applicant requests the approval of a Comprehensive Sign Program;

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- (A) Two or more separate tenant spaces are to be created on the same parcel;
- (B) Five or more non-exempt signs are proposed for a new or existing development; and
- (C) The Zoning Administrator determines that a comprehensive sign program is needed because of special project characteristics (e.g., the size of proposed signs, limited site visibility, a business within a business, the location of the site relative to major transportation routes, etc.).

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Section 11420 – Comprehensive Sign Program, Approval Authority:

The Zoning Commission must approve a Comprehensive Sign Program prior to issuance of a sign permit by the Zoning Administrator.

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Section 11430 – Comprehensive Sign Program, Application Requirements:

A sign permit application for a Comprehensive Sign Program shall include all information and materials required in Section 11002, any other additional information required by the Zoning Commission, and the filing fee set by the Township.

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Section 11440 – Comprehensive Sign Program, Standards:

A comprehensive sign program shall comply with the following standards:

- 1-(A) The program shall comply with the purpose of this Article and the overall intent of this Section;
- 2-(B) The signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the comprehensive sign program, to the structures and/or developments they identify, and to surrounding development;
- 3-(C) The program shall accommodate future revisions that may be required because of changes in use or tenants; and
- 4-(D) The program shall comply with the standards of this Chapter, except that flexibility is allowed with regard to sign area, number, location, and/or height to the extent that the comprehensive sign program will enhance the overall development and will more fully accomplish the purposes of this Section.

Section 11450 – Comprehensive Sign Program Revisions:

The Zoning Administrator may approve minor revisions to a comprehensive sign program if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new Comprehensive Sign Program.

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Section 11500 – Abandoned Signs:

If any sign shall become abandoned, in a manner defined herein, such sign is declared a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and creating a blighting influence on nearby properties. An abandoned sign shall be any sign that meets any of the following conditions:

- 1-(A) Any sign associated with the abandoned nonconforming use.
- 2-(B) Any sign that remains after the termination of a business. A business shall be considered terminated if it has ceased operations for at least ninety (90) consecutive days. Seasonal businesses are exempted from this determination.
- 3-(C) Any sign that is not maintained in accordance with Section 11006.

Section 11510 – Abandoned Signs – Determination of Abandonment:

When the Zoning Administrator finds, upon investigation, that a sign has been abandoned, the Zoning Administrator shall notify the owner of said sign and the owner of the property upon which such sign is located, of any findings. Such notice shall advise the owner of the sign that said sign has been declared abandoned and must be removed within thirty (30) days from the date of mailing of said notice. The owner of the sign or the owner of the property may appeal such decision to the Zoning Commission as provided in Article IV. The Zoning Administrator shall maintain a photograph of said sign along with a written report of any finding in a permanent file.

Section 11520 – Abandoned Signs – Right to Remove:

If the sign is not removed as ordered, the same may be removed by the Township at the expense of the lessee or owner. If the Township is not reimbursed for the cost of removal within thirty (30) days of such removal, the amount thereof shall be certified to the County Auditor for collection as a special assessment against the property upon which such sign is located.

Section 11530 – Violations, Penalties and Remedies:

Any person, firm or corporation violating any requirement or prohibition of this chapter shall be considered in violation of this Code. Failure to comply within thirty (30) days of receipt of notification of violation, unless extended by the Zoning Administrator, shall render such person, firm or corporation subject to the penalties provided in Article IV.

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ARTICLE XII – PARKING AND STORAGE OF VEHICLES

Section 12000 – Purpose:

~~This Article is for the purpose of promoting~~The purpose of this article is to promote traffic safety by minimizing conflicts between pedestrians, vehicle movement and parking. Furthermore it is intended to provide for adequate parking facilities in all land uses, to reduce environmental nuisance from dust, and to prevent nuisance and conflicts between uses that abut parking and loading facilities. ~~Nothing in this section shall be deemed to prohibit the parking of agricultural vehicles which are being used in conjunction with the agricultural use of the property where the agricultural vehicle is parked.~~

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Section 12010 – General Requirements for Off Street Parking – Residential Use:

~~Off-street parking shall be required on any lot with a dwelling unit. Off-street parking in this section is meant to include driveways and other areas used or designated as parking spaces. No building or structure shall be erected, substantially altered, or its use changed in any zoning district except for agricultural uses without providing off street parking and or loading spaces. A valid driveway permit issued by the Union County Engineer is required for the installation of any driveway or off-street parking and / or loading area. This off street parking and loading must be constructed of concrete or asphalt, and shall be maintained in good condition. Any alternate means of paving must be approved by the Zoning Commission by means of a variance. If any additions or alterations are made to an existing building or property that require additional parking, any and all existing parking and loading spaces must also be paved to comply with this Article.~~

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Section 12011 – Minimum Construction Standard – Residential Use:

~~The following materials are approved for use in the construction of any residential driveway or off-street parking area.~~

- ~~(A) 8" crushed aggregate base, or~~
- ~~(B) 2" asphalt concrete over a 6" crushed aggregate base, or~~
- ~~(C) 6" concrete (reinforcing recommended)~~

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Section 12012 – Minimum Construction Standard – Commercial / Industrial / Office Use:

~~All parking and loading areas must be constructed of concrete or asphalt.~~

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Section 12013 – Requirement to Bring Non-Conforming Uses into Compliance:

~~If any additions or alterations are made to an existing building or property that require additional parking, any and all existing parking and loading spaces must also be renovated to comply with this Article.~~

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Section 12014 – Parking and/or Loading Area Maintenance:

~~All parking and/or loading areas shall be maintained in good condition.~~

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Section 12020 – Parking and Storage of ~~Certain Inoperable Motor Vehicles:~~

~~No person shall park or keep an inoperable motor vehicle in any Zoning District. As used in this section "park or keep an inoperable motor vehicle" shall mean the storing, maintaining, collecting, depositing, reserving, allowing to stand, or permitting to remain, one or more inoperable motor vehicles at any place other than in an enclosed garage.~~

~~For purposes of this section, a motor vehicle shall be deemed inoperable when any of the following conditions exist:~~

- ~~(A) One or more wheels are missing;~~
- ~~(B) One or more tires are missing;~~
- ~~(C) Two or more tires are flat;~~
- ~~(D) One or more windows are missing or broken;~~
- ~~(E) The windshield is shattered or missing;~~

(F) Parts necessary for the operation of the vehicle are missing; or

(G) A license with a distinctive number and valid for the current year is not displayed thereon.

The following provisions and requirements shall pertain to the parking and storage of certain vehicles.

(A) The parking or storage, within any District, of automotive vehicles without current license plates, for a period of more than thirty (30) days shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building.

(B) The parking or storage, within any District, of a disabled automotive vehicle for a period of more than thirty (30) days shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory building.

(C) The parking or storage, within any District, of a junked, dismantled or wrecked automotive vehicle or parts thereof which is in public view of any highway for a period of more than thirty (30) days shall be prohibited.

(D) The parking or storage, within any District, of any recreational vehicle, to include but not limited to, boats, campers, RVs, jet skis and any trailers, shall be prohibited forward of the front building line.

For the purpose of this section, a junked, dismantled or wrecked automotive vehicle shall be one which is damaged, or no longer serviceable, to the extent that it is inoperable or is unsafe to operate upon the public highways.

This section shall not apply to properly licensed junk yards and motor vehicle salvage facilities which are regulated by the appropriate sections of the Ohio Revised Code.

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Section 12030 – Parking and Storage of Commercial Motor Vehicles and Trailers;

The parking and storage of commercial motor vehicles is permitted within any Zoning District which permits residential dwellings as set forth in Sections 12030 through 12033. For purposes of these sections, "commercial vehicle" means any vehicle used or designed to be used for business or commercial purposes including a bus, cement truck, commercial tree-trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, stake bed truck, step van, tank truck, tar truck or other commercial-type vehicle licensed by the Ohio State Bureau of Motor Vehicles as a commercial vehicle or truck and which is associated with the property owner's employment.

The parking and storage of commercial motor vehicles and / or trailers in all Residential Zoning Districts shall be limited to one commercial motor vehicle per property owner, provided the vehicle is:

- a. Associated with said property owner's primary source of employment; and
- b. Limited to one commercial trailer per commercial vehicle, with or without payload.

This section shall apply unless otherwise authorized through a Conditional Use Permit.

Section 12031 – Commercial Motor Vehicles & Trailers on Lots Less Than 5 Acres

On any property which is less than 5 acres in size, the property owner may park one commercial vehicle inside an enclosed garage provided the garage is no taller than nine feet in height. Any commercial motor vehicles and/or trailers which meet the above criteria must be stored inside a garage or other accessory structure.

Section 12032 – Commercial Motor Vehicles & Trailers on Lots 5 Acres or More

On any property which is greater than 5 acres in size, the property owner may park one commercial vehicle behind the front building line. The parking and storage of a commercial motor vehicle and/or trailer shall prohibited forward of the front building line.

Section 12033 – Commercial Motor Vehicles & Trailers – Hazardous Materials

The parking and/or storage, in any District, of a vehicle that is placarded for the transport or storage hazardous material is strictly prohibited.

Section 12034 – Parking and Storage of Recreation Vehicles:

The parking or storage, within any District, of any recreational vehicle, to include but not limited to, boats, campers, RVs, jet skis and any trailers, shall be prohibited forward of the front building line. Must be stored inside structure that is enclosed on at least three sides so as not to be visible from the roadway or adjoining property or have proper landscaping and buffering between the property lines.

Section 12035 – Parking and Storage of Landscaping and Construction Equipment:

The parking and storage of landscaping and construction equipment (including but not limited to lawn mowers / earth moving and grading equipment, etc.) must be stored inside a structure that is enclosed on at least three sides so as not to be visible from the roadway or have proper landscaping and buffering between property lines cannot park forward of the front building line unless there is active construction on the property.

Section 12040 – Parking Space Dimensions:

All parking spaces shall have minimum rectangular dimensions of not less than nine feet in width and nineteen feet in length for ninety (90) degree parking, nine feet in width and twenty-three feet in length for parallel parking, ten feet in width and nineteen feet in length for sixty degree parking, and twelve feet in width and nineteen feet in length for forty-five degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas.

Section 12050 – Loading Space Requirements and Dimensions:

Classification: The loading space shall consist of a rectangular area of one (1) of the following classes;

Class A: An area at least fourteen (14) feet by fifty five (55) feet having a vertical clearance of fifteen (15) feet or more, plus adequate area for ingress and egress.

Class B: An area at least twelve (12) feet by thirty (30) feet having a vertical distance of fifteen (15) feet or more, plus adequate area for ingress and egress.

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Schedule of Loading Spaces: Loading space shall be provided for retailing, wholesaling, warehousing, processing, hotel, hospital, goods display, and similar uses requiring the receipt or distribution by vehicles of material or merchandise in accordance with the following schedule:

BUILDING AREA (square feet)	REQUIRED CLASS
Less than 750	None required
750 to 1,499	1 Class B
1,500 to 2,499	1 Class A or 2 Class B
2,500 to 9,999	1 Class A and 1 Class B or 3 Class B
10,000 to 49,999	1 Class A and 1 Class B or 3 Class B, plus 1 Class A for each 10,000 sq. ft. over the first 10,000 sq. ft. of area
More than 50,000	1 Class A for each 10,000 sq. ft. over the first 10,000 sq. ft. of area, plus 1 Class A for each 25,000 sq. ft. over the first 50,000 sq. ft.

Section 12060 – Paving:

The required number of parking and loading spaces, together with driveways, aisles, and other circulation areas, shall be surfaced with concrete, asphaltic concrete, premixed asphalt pavement, blacktop, or brick so as to provide a durable and dustless surface. Off street parking area designs shall be reviewed and approved by the Zoning Administrator prior to issuance of a Certificate of Zoning Compliance. All access driveway aprons shall be graded for proper drainage and surfaced with concrete. Access driveway and apron designs shall be reviewed and approved by the Zoning Administrator prior to construction.

Section 12070 – Drainage of Parking & Loading Areas:

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

Section 12080 – Maintenance of Parking & Loading Facilities:

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

Section 12090 – Lighting in Parking & Loading Areas:

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property and shall provide not less than two and one half (2 ½) foot candles at the paved surface. See also Section XV.

Section 12100 – Location of Parking:

The following regulations shall govern the location of off-street parking spaces and areas:

- (A) Parking spaces for all detached residential Uses shall be located on the same lot as the use which they are intended to serve;
- (B) Parking spaces for commercial, industrial, or institutional uses shall be located not more than 700 feet from the principal use. Parking lots farther than 700 feet from the principal use may be approved by the Zoning Commission.
- (C) Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than 300 feet from the principal use.

Section 121010 – Minimum Distance and Setbacks:

No part of any parking area for more than five (5) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care located on an abutting or adjoining lot, unless separated by a solid wood privacy fence or other approved constructed screen of between four (4) and six (6) feet in height. If on the same lot with a single family residence and consisting of a lot area of less than one and one-half (1 ½) acre, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right of way.

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Section 12112 – Requirement for the Installation of Wheel blocks:

Whenever a parking lot area extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

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Section 12120 – Access:

The frequency of access points along thoroughfares in Millcreek Township is to be minimized to reduce vehicle and pedestrian conflict and improve traffic flow. Access drives (driveways) leading to and from a street shall be developed according to the standards required by the Union County Subdivision Regulations;

- (A) Side Lot Lines. An access drive, exclusive of curb returns, shall be located no less than ten (10) feet from the side lot line, except that an access drive for a residential use may be within three (3) feet of a side lot line. Access drives for any uses utilizing a common drive may be adjacent to and intersecting with a side lot line.
- (B) Quantity Permitted. The number of access drives shall be kept to a minimum to promote safe and reasonable access, improve the convenience and ease of movement of travelers, and permit reasonable speeds and economy of travel while maintaining roadway capacity.

Section 12210 – Paving of Parking & Loading Areas – Non-Residential:

The required number of parking and loading spaces, together with driveways, aisles, and other circulation areas, shall be surfaced with concrete, asphaltic concrete, premixed asphalt pavement, blacktop, or brick so as to provide a durable and dustless surface. Off-street parking area designs shall be reviewed and approved by the Zoning Administrator prior to issuance of a Certificate of Zoning Compliance. All access driveway aprons shall be graded for proper drainage and surfaced with concrete. Access driveway and apron designs shall be reviewed and approved by the Zoning Administrator prior to construction.

Section 12220 – Drainage of Parking & Loading Areas:

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

Section 12230 – Maintenance of Parking & Loading Facilities:

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

Section 12240 – Lighting in Parking & Loading Areas:

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property and shall provide not less than two and one-half (2 ½) foot candles at the paved surface. See also Section XV.

Section 1204250 – Parking Space Dimensions:

All parking spaces shall conform to the following minimum rectangular dimensions. All dimensions shall be exclusive of driveways, aisles, and other circulation areas.

- (A) Ninety (90) Degree Parking: Not less than nine (9) feet in width and nineteen (19) feet in length
- (B) Parallel Parking: Not less than nine (9) feet in width and twenty-three (23) feet in length
- (C) Sixty (60) Degree Parking: Not less than ten (10) feet in width and nineteen (19) feet in length
- (D) Forty-five (45) Degree Parking: Not less than twelve (12) feet in width and nineteen (19) feet in length

All parking spaces shall have minimum rectangular dimensions of not less than nine feet in width and nineteen feet in length for ninety (90) degree parking, nine feet in width and twenty three feet in length for parallel parking, ten feet in width and nineteen feet in length for sixty degree parking, and twelve feet in width and nineteen feet in length for forty five degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas.

Section 12130-12260 – Schedule of Parking Spaces:

The minimum number of off-street parking spaces, exclusive of ADA requirements, shall be as set forth in the following schedule. For uses not specifically named herein, the requirement shall be the same as required for a listed use similar in nature, as determined by the Zoning Administrator.

USE/USE	REQUIRED PARKING SPACES	REQUIRED PARKING SPACE
Automobile service stationAutomobile service station	1 for each 3 pumps plus 1 for each service bay	1 for each 3 pumps plus 1 for each service bay
Automobile repairsAutomobile repairs	1 for each 300 sq. ft. of gross floor area	1 for each 300 sq.

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USE	REQUIRED PARKING SPACES	REQUIRED PARKING SPACE
Assembly hall, club room, place of amusement or similar place of assembly without fixed seating	1 for each 250 sq. ft. of gross floor area used by the public. (Changed from 1,000)	1 for each 1,000 sq. ft. of gross floor area
Banks, savings and loans, business and administrative offices	1 for each 400 sq. ft. of gross floor area	1 for each 400 sq. ft. of gross floor area
Bed and breakfast inns	1 for each guest room	1 for each guest room
Bowling alleys, tennis courts or similar place of intensive public activity	1 for each alley, court or similar activity area	1 for each alley, court or similar activity area
Business, technical and trade school, college and university	1 for each 3 students	1 for each 3 students
Business and Professional Offices not elsewhere specified	1 for each 200 sq. ft. of office space	1 for each 200 square feet of office space
Dance halls and assembly halls without fixed seats, exhibition halls except church assembly rooms in conjunction with auditorium	1 for each 250 sq. ft. of gross floor area used for assembly or dancing	1 for each 250 sq. ft. of gross floor area used for assembly or dancing
Day care centers, children's nurseries and pre-schools	2 for each classroom but not less than 5 per center	1 for each classroom but not less than 5 per center
Drive-up window service or fast-food restaurants, with seating	1 for each 150 sq. ft. of gross floor space	1 for each 150 sq. ft. of gross floor space
Drive-up window service or fast-food restaurants, without seating	1 for each 250 sq. ft. of gross floor area	1 for each 250 sq. ft. of gross floor area
Driving range	1 for each 2 playing locations	1 for each 2 playing locations
Dwellings, Other than multi-family	2 for each dwelling unit	2 for each dwelling unit
Dwellings, Multi-Family	2 for each dwelling unit	1 for each 100 sq. ft. of gross floor space
Eating and drinking establishments with no drive-up window service	1 for each 100 sq. ft. of gross floor space	1 for each 500 sq. ft.
Electronic products store – retail	1 for each 500 sq. ft. of gross floor space	1 for each teacher and staff member, plus 1 for each student up to three (3) percent of the student body
Funeral homes, mortuaries	1 for each 150 sq. ft. of floor area in slumber rooms, parlors, or service rooms	1 for each 150 sq. ft. of floor area in slumber rooms, parlors, or service rooms
Furniture and appliance stores, household equipment or furniture repair shop	1 for each 400 sq. ft. of gross floor area	1 for each 400 sq. ft. of gross floor area
Golf course	2 for each hole plus 1 space for each 2 employees on combined work shifts	2 for each hole plus 1 space for each 2 employees on combined work shifts
Health care maintenance and emergency services	1.5 for each treatment room plus one for every employee on the largest shift	1.5 for each treatment room plus one for every employee on the largest shift
Hospitals	5 for each bed	1 for each 3 students
Indoor swimming pool or natatorium	1 for each 5-person capacity (1 person/1,000 gallons of pool capacity) plus 1 for each 4 seats or 30 sq. ft. of seating floor area	5 for each bed
Indoor sales exclusively of motor vehicles, aircraft, watercraft, lumber, plants and furniture	1 for each 1,000 sq. ft. of sales area	1 for each 5-person capacity (1 person/1,000 gallons of pool capacity) plus 1 for each 4 seats or 30 sq. ft. of seating floor area
Libraries, museums or art galleries	1 for each 500 sq. ft. of gross floor area	1 for each 1,000

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USE	REQUIRED PARKING SPACES	REQUIRED PARKING SPACE
vehicles, aircraft, watercraft, lumber, plants and furniture	sq. ft. of sales area	
Manufacturing, warehousing, wholesaling, or similar establishments	1 per 1,000 sq. ft. of gross building area	1 for each 500 sq. ft. of gross floor area
Libraries, museums or art galleries		
Medical and dental offices and clinics	1 for each 200 sq. ft. of gross floor area	1 per 1,000 sq. ft. of gross building area
Manufacturing, warehousing, wholesaling, or similar establishments		
Miniature golf course	2 spaces for each hole plus 1 for each 2 employees on combined work shifts	1 for each 200 sq. ft. of gross floor area
Motels and hotels (not including restaurant facilities)	1 for each living or sleeping unit plus one space for each two employees	2 spaces for each hole plus 1 for each 2 employees on combined work shifts
Outdoor display and sales facilities	1 for each 1,000 sq. ft. of display area	1 for each living or sleeping unit plus one space for each two employees
Outdoor swimming pool	1 for each 5-person capacity (1 person/500 gallons) plus space for supplementary uses	2 for each dwelling unit
Personal services such as barber shop or beauty shop	1 space for every chair plus 1 space for each employee (increased from 1)	1 for each 1,000 sq. ft. of display area
Personal and Consumer Services not elsewhere specified	1 for each employee plus 1 for each 400 sq ft of office space	1 for each 5-person capacity (1 person/500 gallons) plus space for supplementary uses
Recreational uses not elsewhere specified	1 for each 3 patrons plus 1 space for each 2 employees	1 space for every chair
Restaurants and bars	1 for each 100 sq. ft. of gross floor area	1 for each employee plus one for each 400 square feet of office space
Retail sales or services not elsewhere specified	3 for first 1,000 sq. ft. plus 1 for each additional 500 sq. ft. of gross floor area	1 for each 3 patrons
Sanitariums, convalescent homes, children's homes	1 for each 2 beds	1 for each 100 sq. ft. of gross floor area
Schools, Elementary and Middle	1 for each teacher and staff member, plus 1 for each student up to three (3) percent of the student body	2 for first 1,000 sq. ft. plus 1 for each additional 500 sq. ft. of gross floor area
Schools, High	1 for each 3 students	1 for each 2 beds
Service-related uses such as printing or plumbing shops	1 for each 2 employees plus 1 for every 2 vehicles used for service or delivery	
Shopping centers including supermarkets	3 for each 1,000 sq. ft. of gross floor area	1 for each 2 employees plus 1 for every 2 vehicles used for service or delivery
Sports arenas, auditoriums, theaters, assembly halls, churches, or similar place with fixed seating	1 for each 4 seats	2 for each 1,000 sq. ft. of gross floor area
Video rental stores	1 for each 300 sq ft of gross floor area	1 for each 4 seats

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a. Where two (2) or more uses are provided on the same lot, including principal and supplementary uses, the total number of spaces required shall be reduced. In order to determine the number of parking spaces required, take the sum of the individual requirements and multiply by (0.75). Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Commission shall be filed with the application before a certificate of occupancy is issued.

b. The calculation of parking spaces shall be to the next highest whole number where a fractional space results.

c. Whenever a building or use is constructed or enlarged in gross floor area, by number of

employees, by number of dwelling units, by seating capacity or otherwise after the effective date of this Zoning Code such as to create a requirement under this chapter for an increase of thirty (30) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

Section 12261 – Calculation of Parking Spaces

Where two (2) or more uses are provided on the same lot, including principal and supplementary uses, the total number of spaces required shall be reduced. In order to determine the number of parking spaces required, take the sum of the individual requirements and multiply by (0.75).

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Commission shall be filed with the application before a certificate of occupancy is issued.

The calculation of parking spaces shall be to the next highest whole number where a fractional space results. Whenever a building or use is constructed or enlarged in gross floor area, by number of employees, by number of dwelling units, by seating capacity or otherwise after the effective date of this Zoning Code such as to create a requirement under this chapter for an increase of thirty (30) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

Section 12300 – Loading Space Requirements and Dimensions:

The loading space shall consist of a rectangular area of one (1) of the following classes:

Class A: An area at least fourteen (14) feet by fifty-five (55) feet having a vertical clearance of fifteen (15) feet or more, plus adequate area for ingress and egress.

Class B: An area at least twelve (12) feet by thirty (30) feet having a vertical distance of fifteen (15) feet or more, plus adequate area for ingress and egress.

Section 12310 - Schedule of Loading Spaces:

Loading space shall be provided for retailing, wholesaling, warehousing, processing, hotel, hospital, goods display, and similar uses requiring the receipt or distribution by vehicles of material or merchandise in accordance with the following schedule:

<u>BUILDING AREA (square feet)</u>	<u>REQUIRED CLASS</u>
<u>Less than 750</u>	<u>None required</u>
<u>750 to 1,499</u>	<u>1 Class B</u>
<u>1,500 to 2,499</u>	<u>1 Class A or 2 Class B</u>
<u>2,500 to 9,999</u>	<u>1 Class A and 1 Class B or 3 Class B</u>
<u>10,000 to 49,999</u>	<u>1 Class A and 1 Class B or 3 Class B, plus 1 Class A for each 10,000 sq. ft. over the first 10,000 sq. ft. of area</u>
<u>More than 50,000</u>	<u>1 Class A for each 10,000 sq. ft. over the first 10,000 sq. ft. of area, plus 1 Class A for each 25,000 sq. ft. over the first 50,000 sq. ft.</u>

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ARTICLE XIII – LANDSCAPING, FENCES, WALLS & HEDGES

Section 13001 – Purpose:

Section 13001 – Purpose:

The goal of this Article is to preserve and promote landscaping as a suitable and necessary aspect of land development, as a component of the development of Township character, as an important beneficial element of the microclimate through the provision of shade and as buffers, and to promote the public health, safety and general welfare. It is further the purpose of this Article to promote the preservation and, when necessary, replacement of major trees removed in the course of land development, to promote the proper utilization of landscaping as a buffer between certain land uses to minimize conflicts, and to protect, preserve and promote the character of the Township.

Section 13010 – Landscape Development Standards – Non-Residential Uses:

All trees with a base diameter (at a height of 18" above the soil line, or dbh) of four (4) inches or more shall be maintained and preserved as part of all non-residential development. The location of all driveways, off street parking and loading areas, and all other improvements, including grading, shall be designed to avoid the destruction of any such existing tree defined herein. As part of an approved landscaping plan, any such tree may be replaced by a tree of like species on a one (1) inch for one (1) inch replacement basis only under the following conditions:

1. An existing tree will be located within a public right of way or easement.
2. An existing tree is located within the area to be covered by a proposed structure or within twelve (12) feet from the perimeter of such structure(s) and such structure(s) cannot be located in a manner to avoid removal of an existing tree at the same time permitting desirable, logical and appropriate development of the lot.
3. An existing tree will be located within a proposed driveway, off street parking area or other improvement and relocation of such improvement would not permit desirable, logical, and appropriate development of the lot.
4. An existing tree is damaged or diseased.

In addition to the requirements for off street parking areas, all non-residential uses shall provide thirty (30) square feet of landscaped area for every one thousand (1,000) square feet of building ground coverage area, or fraction thereof, and a tree with a dbh (base diameter) not less than two (2) inches for every one thousand (1,000) square feet of building ground coverage. All areas of a lot not covered by buildings, structures, paving, or the landscaping required herein shall be covered by natural turf at a minimum. Tree planting requirements may be waived by the Zoning Commission if the quantity of existing trees and their aggregate trunk sizes meet or exceed these requirements and are evenly distributed throughout the subject site.

Section 13020 – Landscape Development Standards – Multi-Family Perimeter Treatment:

For all multi family residential uses, a fifteen (15) foot landscaped perimeter shall be provided where such development is adjacent to or abuts a residential zoning district or public right of way, excluding on-site access drives. Such landscaping shall include a combination of trees, shrubs, hedges, earth mounds, and other natural features. No more than fifty (50) percent of natural landscaping material shall consist of turf.

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Section 13030 – Landscape Development Standards – Off Street Parking Areas:

Off street parking areas for more than five (5) vehicles shall be effectively screened on each side which abuts a Residential Zoning District or public right-of-way by a masonry wall or solid wood fence. Such wall or fence shall be no higher than four (4) feet and shall be maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height. This section shall apply to bed and breakfast inns regardless of the size of off street parking area.

- All off street parking areas shall provide one (1) tree of no less than two (2) inches dbh, for every six (6) parking spaces. All trees shall be balled and burlapped or containerized/potted when planted. The top eighteen (18) inches of the burlap bag and cage shall be removed when planting. Planting beds for parking lot trees shall be constructed so as to minimize damage to trunks and roots of the trees from vehicles, pedestrians and parking lot maintenance through the use of adequate soil planting area and curbing or parking blocks. Planting soil area per tree shall be a minimum of sixteen (16) square feet. The minimum dimension for the planting areas shall be four (4) feet on one side. All trees shall be maintained in a healthy condition.
- Relative to landscaping within off street parking areas and screening of parking area perimeters, for off street parking areas equal to or larger than twenty five hundred (2,500) square feet in total area or ten (10) or more parking spaces, whichever is greater, minimum landscaping areas within the interior of the parking area shall be provided at the rate of ten (10) square feet for every 1,000 square feet of parking area. No more than fifty (50) percent of natural landscaping material shall consist of turf.

Section 13040 – Landscape Standards – Screening, Service Courts and Loading Areas:

All areas used for service, loading and unloading activities shall be screened along the entire lot line if adjacent to or abutting a Residential Zoning District or public right-of-way.

Section 13050 – Landscape Standards – Screening, Trash Container Receptacles:

For all non single family residential uses requiring trash container receptacles, such as dumpsters, all such receptacles shall be enclosed on all sides by walls or fences with an opacity of one hundred (100) percent and a minimum height of six (6) feet. Such walls or fences must be constructed of a noncombustible material. The area shall be landscaped on all sides visible from a public right of way or abutting residential district by shrubs and hedges with opacity of seventy five (75) percent. Trash containers and receptacles shall be located behind the building line and shall be located to the rear of non-residential uses. Trash containers and receptacles shall conform to side and rear yard setback requirements and for non-residential uses adjacent to a residential zoning district, such containers and receptacles shall be located no closer than twenty five (25) feet to any property line.

Section 13060 – Landscape Development Standards – Significant Trees:

All significant trees shall be protected and preserved to ensure that the value provided to Township citizens by the cultural, historical, biological, or horticultural significance of any tree is continued into the future. The Township Tree Committee, when and if formed, shall review plans for compliance with this Section.

Section 13100 – Landscape Materials:

Proposed landscape materials should complement existing vegetation, all architectural features and general layout, and should be comprised of indigenous plant material. Landscaping design and materials shall consist of the following:

Section 13110 – Landscape Materials – Plants:

All plant materials shall be living plants that conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations. Artificial plants are prohibited in all landscaped areas in the Township required as per this chapter.

Section 13120 – Landscape Materials – Deciduous Trees:

Deciduous trees shall be species having an average mature crown spread of greater than fifteen (15) feet in Central Ohio and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where eight (8) foot clear wood requirements will control. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to

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create the equivalent of a fifteen (15) foot crown spread. Deciduous trees shall be a minimum of five (5) feet in height with a minimum dbh of one and three-fourth (1 ¾) inches at planting.

Section 13130 – Landscape Materials – Evergreen Trees:

Evergreen trees shall be a minimum of five (5) feet in height with a minimum dbh of one and one-half (1 ½) inches at planting.

Section 13140 – Landscape Materials – Shrubs & Hedges:

Shrubs and hedges shall be at least two (2) feet in average height when planted.

Section 13150 – Landscape Materials – Earth Mounds:

Earth mounds shall be physical barriers, which when planted block or screen the view just as a hedge or low wall would. Mounds shall be constructed of clean fill, topsoil and similar materials, and shall be designed with proper plant material to prevent erosion and facilitate drainage.

Earth mounds shall not exceed four (4) feet in height and shall be planted completely by plant material, which may include mulching limited to the immediate base of plantings, of which no greater than fifty (50) percent shall be turf.

Earth mounds for landscaping purposes do not include mounds for septic treatment purposes, and construction of which is specified only by the Ohio Department of Health.

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Section 13160 – Landscape Materials – Screening Materials:

Screening may consist of walls, fences, natural vegetation or a combination thereof acceptable to the Zoning Commission and with opacity of no less than seventy five (75) percent, except where superseded due to intersection visibility concerns. Only masonry and brick walls or solid wood privacy fencing is permitted for built screening. Such screening shall be between four (4) and six (6) feet in height and shall be maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of dense evergreen bushes planted no less than two (2) feet in height.

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Section 13200 – Street Trees Required:

The planting of street trees shall be required, subject to the approval of the Union County Engineer, at the time a parcel is developed or redeveloped, in all zoning districts except agricultural uses. It shall be required that all sub dividers or developers plant trees along both public and private streets. The planting of street trees is not required by the property owner if the trees are already in place and meet all requirements.

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Section 13210 – Street Trees Planting Standards:

Any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of development or redevelopment.

1. The tree to be planted shall be an approved tree from the list located in Appendix C. Medium and small trees shall only be permitted in locations where existing tree lawn widths or other conditions prohibit the installation of large trees.
2. A small tree shall be used when planting under or within ten lateral feet of overhead utility wires.
3. A small or medium tree shall be used when planting within ten to twenty lateral feet of overhead utility wires.
4. Along an individual street, uniform street tree planting are desirable. However, in developments with more than one street, the use of several varieties of trees is required.
5. Spacing between trees shall be a minimum of 45 feet and a maximum of 50 feet for large trees; a minimum of 35 feet and a maximum of 45 feet for medium trees; and a minimum of 25 feet and a maximum of 30 feet for small trees.

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Section 13300 – Landscape Plans Submittal Requirements:

Landscape plans shall be submitted to the Zoning Administrator whenever an application is filed for a non single family residential use as a part of a request for a Zoning Map Amendment, Conditional Use Permit, or in conjunction with the submittal requirements for EQ or Planned District.

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Section 13310 – Landscape Plan Contents:

The landscaping plan shall be prepared by a licensed design professional or landscape architect and shall include the following information:

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1. Plot plan drawn to scale indicating property lines, easements, proposed improvements, natural features, drainage, adjacent uses and structures, and proposed landscaping which shall include botanical and common names, dbh (diameter at base height of 18 inches) of deciduous trees, installation size, on-center planting dimensions where applicable, and a summary of all landscaping materials used on-site, new and existing, by type, common name, and quantity.
2. In the case where trees are to be removed as part of any site development, the plot plan shall, in addition to items included in (1) above, also specifically indicate any trees to be removed and include botanical and common names and location of any large trees and any significant trees.
3. Title block with the pertinent names and addresses of property owner, applicant, design professional or landscape architect including the architect's seal, scale, date, north arrow, address of the subject property, and name of the subdivision (if applicable).

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Section 13320 – Landscape Plan Criteria for Review:

The submitted landscaping plan shall be reviewed to determine if proposed improvements comply with the requirements and standards of this Chapter and commonly accepted landscaping and design standards. The Zoning Committee or Zoning Administrator may call upon professional services from either the public or private sectors to provide an evaluation relative to any submitted landscaping plan.

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Section 13400 – Landscaping Installation:

Landscaping plans and the improvements identified therein meeting the requirements of this Section shall be completely installed no later than six (6) months subsequent to the date of issuance of a Temporary Certificate of Use and Occupancy. A single three (3) month extension may be granted by the Zoning Administrator upon request of the Applicant upon demonstration that such extension is warranted because of adverse weather conditions or unavailability of approved landscaping material. All landscaping material shall be installed in a sound, professional manner and according to accepted landscaping and planting procedures.

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Section 13410 – Landscaping Maintenance:

All landscaping material shall be maintained in proper and healthful condition. The project developer shall be responsible for maintenance for a period of 12 months from completion of the installation. After the initial 12 months, the property owner(s) shall maintain landscaped areas in a proper, neat and orderly appearance, and free from refuse and debris. Upon issuance of a citation, corrective action shall be completed within sixty (60) days unless the Zoning Administrator determines that weather constraints require one additional sixty (60) day period. Failure to meet the requirements of this section shall constitute violation of this Zoning Resolution and enforcement and penalty requirements shall apply.

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Section 13420 – Landscaping Maintenance – Dead or Diseased Trees:

It shall be unlawful for any property owner to maintain or permit to stand on his or her property, dead, diseased, or damaged trees, shrubs, evergreens or other plants which are deemed by the Township to be a menace to the public peace, health, and safety.

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Section 13500 – Tree Care Standards:

The following tree care requirements shall apply to all trees within Township owned property. For the purpose of this section, Township owned property shall include all public rights of ways, streets, alleys, parks, and other lands owned by the Township.

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Section 13510 – Tree Care Standards – Tree Topping:

No person shall, as a normal practice, top any tree. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy or disfigure the tree. With an immature tree, removing more than twenty five percent (25%) of the canopy will be considered topping.

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Section 13520 – Tree Care Standards – Height of Limbs over Sidewalks and Streets:

Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than ten (10) feet above the sidewalks. Tree limbs extending over streets shall be trimmed to such an extent that no portion of the same shall interfere with the normal flow of traffic.

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Section 13530 – Tree Care Standards – Township Rights:

The Township shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the rights of way of all streets, alleys, avenues, lanes and other public grounds as may be necessary to ensure public safety or to preserve or enhance the environmental quality and beauty of such public grounds. The Zoning Administrator or County Engineer may cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature poses a threat to the interruption of service to sewers, electric power lines, gas lines, water lines or other public improvements.

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Section 13540 – Tree Care Standards – Reducing Tree Lawn:

No person shall by any type of construction reduce the size of a tree lawn without first securing permission from the Zoning Administrator.

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Section 13550 – Tree Care Standards – Utility Companies:

Utility companies shall provide written evidence to the County Engineer, of adherence to established guidelines (as recommended by the National Arborists Association) for line clearance work. These guidelines shall cover the following areas:

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1. ~~Tree trimming/pruning.~~
2. ~~Tree removal.~~
3. ~~Brushing.~~
4. ~~Right of way clearance for new transmission conductors on private rights of way.~~
5. ~~Chemical brush control and appropriate precautions.~~

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Section 13560 – Tree Care Standards – Removal, Replanting and Replacement in Public Places:

Wherever it is necessary to remove a tree(s) or shrub(s) from any Township owned property, in connection with the paving of a sidewalk, or the paving or widening of a portion of a street, alley, or highway used for vehicular traffic, or any other reason, the Zoning Administrator must be contacted. At that time, the Zoning Administrator will determine if replacement of the trees and/or shrubs is feasible.

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Section 13570 – Tree Care Standards – Public Tree Care:

The Township shall have the right to enter private property to gain access to trees adjacent to public areas for the purpose of proper pruning, after reasonable prior notice has been given to the property owner. To ensure that street trees thrive, homeowners are encouraged to confer with the Township, and water and mulch the trees as needed.

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- a) No person or contractor, unless working on behalf of the Township, shall attach any rope, wire, nails, advertising poster, decoration, decorative lighting, or other contrivance to any tree on Township owned property. No person shall permit any fire to burn where such fire or heat there from, or heat from any source will injure any portion of any tree on Township owned property. No person or contractor, unless working on behalf of the Township, shall use herbicides or other chemicals on any trees, shrubs or evergreens located on Township owned property.
- b) No person shall hinder, prevent, or interfere with the agents or employees of the Township while the agents or employees are engaged in planting, maintaining, or removing any tree, shrub, evergreen, or other plant material on Township owned property.
- c) No person shall excavate any ditch, tunnel, trench, or lay any drive within ten (10) feet from the drip line of any tree, shrub, evergreen, or other plant material standing on any Township owned property.
- d) It shall be unlawful for any person or contractor, unless working on behalf of the Township, to break, deface, injure, mutilate, kill, or destroy any tree, shrub, or evergreen on any Township owned property.

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Section 13580 – Tree Care Standards – Removal of Stumps:

All stumps of street trees shall be removed twelve (12) inches below the surface of the ground. Stumps shall be removed or shall be ground at the site. All residual material shall be removed from the site at the time the tree is removed and the site shall be restored as approved by the Zoning Administrator.

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Section 13590 – Tree Care Standards – Arborist License and Bond:

It shall be unlawful for any person or contractor working on behalf of the Township, to act as an arborist in the business or occupation of planting, pruning, treating, or removing street trees within the Township without providing documentation as a certified arborist or as the authorized representative of a certified arborist. Each applicant shall file evidence of possession of liability insurance indemnifying the Township or any person injured or damaged resulting from the pursuit of such endeavors as herein described in the amount set by the Township Trustees in their schedule of fees.

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13.1 – PURPOSE: The goal of this Article is to preserve and promote landscaping as a suitable and necessary aspect of land development, as a component of the development of Township character, as an important beneficial element of the microclimate through the provision of shade and as buffers, and to promise the public health, safety and general welfare. It is further the purpose of this Article to promote the preservation and replacement of major trees removed in the course of land development, to promote the property utilization of landscaping as a buffer between certain land uses to minimize conflicts, and to protect, preserve and promote the character of the Township.

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Section 13002 – Application:

13.2 – APPLICATION: No zoning permit(s) shall be issued hereafter for any site development plan within any planned district or the construction or improvement of any building, structure or vehicular use within any planned district except where landscaping for such development, construction has been approved as required by the provisions of this article.

Section 13003 – Minimum Landscaping Requirements:

13.3 – MINIMUM LANDSCAPING REQUIREMENTS: This section describes the minimum requirements that shall be met in regards to perimeter landscaping for non-compatible land use areas landscaping for service areas and interior landscaping for businesses, buildings, structures or other new developments of land.

(A) A- Perimeter Landscaping Requirements: Unless otherwise provided, landscaping material shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy five percent (75%) summer opacity, between one foot above finished grade level to the top of the required planting, hedge, fence, wall or earth mound within four years

after installation. The required landscaping shall be provided either in easements in certain zones or adjacent to vehicular use area. For purposes of this Article XIII, "opacity" shall mean the required percent of visual screening from adjacent properties in a vertical plane extending from the established grade to six feet unless otherwise specified herein.

(1) ~~4~~ Property Perimeter Requirements:

A. When the Following:	B. Adjoining the Following (or Vice Versa):	C. The minimum landscaping within a buffer zone of this average width (with 3 ft. as the least dimension):	D. Which will contain at least this material to achieve the required opacity ^{1,2} :
1. Any Residential Zone	Any Office Use	20 ft. adjacent to all common boundaries except street frontage	1 tree/40 ft. of lineal boundary, OFT, plus a continuous 6 ft. high planting, hedge, fence, wall or earth mound.
2. Any Residential Zone	Any Commercial Use	30 ft. located as above (1-C)	Same as 1-D above.
3. Any Residential Zone	Any Industrial Use	40 ft. located as above (1-C)	Same as 1-D above.
4. Any Office or Commercial Use	Any Industrial Use	20 ft. located as above (1-C)	Same as 1-D above.
5. Any Zone except Agricultural Zones	A Freeway or Arterial Street	40 ft. for residential zones and 20 ft. for all other zones adjacent to freeway or arterial street	1 tree / 30 ft., OFT, plus continuous 6 ft. high planting, hedge, wall, fence or earth mound.
6. Any Zone except Agricultural or Industrial Zones	Railroad	Same as 5-C above	Same as 5-D above
7. Any property boundary, including road or street rights of way	Utility Sub-Station	40 ft. adjacent to all boundaries except only 5 ft. for utility substations measured adjacent to the enclosure.	Same as 5-D

(2) ~~2~~ Vehicular Use Area Perimeter Requirements:

A. When the Following:	B. Adjoins the Following (or Vice Versa):	C. The minimum landscape easement of this width is required:	D. Which will contain this material to achieve opacity required ^{3,4} :
1. Any property in any zone	Any vehicular use areas on any adjacent property	6 ft. minimum to all trees from edge of paving where vehicles overhand and 3 ft. strip that prohibits any vehicular overhand for other areas, adjacent to planting, point of vehicular use area that faces building adjacent to property	1 tree / 40 ft., OFT, boundary of vehicular area plus a 3 ft. average height continuous hedge or earth mound.
2. Any public or private street right-of-way or service road,	Any vehicular use area	Same as 1-C above, except applies to portion of vehicular use area facing public or private	1 tree / 40 ft., OFT, plus a 3 ft. average height continuous planting, hedge, or earth mound.

¹ Grass or ground cover shall be planted on all portions of the easements not occupied by other landscape material.

² "OFT" means "or fraction thereof". Trees do not have to be equally spaced, but may be grouped.

³ A vehicular use area (VUA) is any open or unenclosed area containing more than 1,800 sq. ft. of area and/or used by six or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, mobile home parkings, and sales and service areas. Driveways are considered to be vehicular use areas whenever they are adjacent to public streets or roads or other vehicular use elements described previously in this paragraph, and where intervening curbs, sidewalks, landscape strips, etc. do not eliminate adjacency.

⁴ Grass or ground cover shall be planted on all portions of easements not occupied by other landscape material.

⁵ "OFT" means "or fraction thereof."

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- ~~i. 2.) Landscape Buffer Zone: The landscape buffer zone and material required adjacent to any street under this Article shall be provided by the property owner adjoining street, unless the authority building the street has fully met all requirements on the street right of way. When adjacent to other common boundaries, the landscape buffer zone and materials:~~
- ~~(a) a.) May be placed on either adjoining parcel, or astride the boundary, if both owned and being processed by the same owner; or~~
- ~~(b) b.) Generally be placed on the activity listed under Property Perimeter Requirement Chart, Column B and Vehicular Use Area Perimeter Chart, Column B when adjoining parcels have different owners; or~~
- ~~(c) c.) May be placed astride the boundary of adjoining parcels having different owners if a written agreement signed by both owners, is filed with the Township Zoning Office, as a public record; or~~
- ~~(d) d.) Shall be placed on the activity or parcel being processed when adjoining property is already developed with the exception of Property Perimeter Requirement Chart and;~~
- ~~(e) e.) Shall not be required along the common boundary if the requirements of this Article have been fully complied with on the adjoining property.~~
- ~~ii. 4.) Requirements Conflicts: Whenever a parcel or activity falls under two or more of the categories listed in the tables the most stringent requirements shall be enforced.~~
- ~~iii. 5.) Landscape, Buffer Zone Conflicts: The required landscape buffer zone may be combined with a utility or other easement as long as all of the landscape requirements can be provided in addition to, and separate from, any other easement. Cars or other objects shall not overhang or otherwise intrude upon the required landscape buffer zone more than two and one-half feet, and wheel stops or curbs shall be required.~~
- ~~iv. 6.) Existing Landscape Material: Existing landscape material shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the public approval authority, such material meets the requirements and achieves the objectives of this Article.~~
- ~~v. 7.) Landscaping at Driveway and Street Intersections: To insure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets. Within this sight triangle, no landscape material nor parked vehicles, except for required grass or ground cover, shall be permitted. Within this sight triangle, trees shall be permitted as long as, except during the early growth stages, only the tree trunk is visible between the ground and eight feet above the ground, or otherwise does not present a traffic hazard. The sight triangle is defined in the following sections. The Zoning Administrator shall notify the property owner and/or neighborhood association of the need to trim or remove trees to maintain the required site triangle. Should the property owner and/or neighborhood association fail to maintain the site triangle, the Township may trim or remove trees as appropriate and seek reimbursement from the property owner and/or neighborhood association.~~
- ~~(a) a.) Driveway Intersections Triangle: At intersection of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb or edge with the driveway edge, and by measuring from this point and a distance of ten feet along the driveway to a point and a distance of twenty feet along the street curb to a point and connecting these points.~~
- ~~(b) b.) Street Intersection Sight Triangles: At the street intersections, the sight triangle shall be formed by measuring at least thirty-five (35) feet along curb lines or edge of pavement and connecting these points.~~
- ~~vi. 8.) Interior Landscaping for Vehicular Use Areas: Any open vehicular use area, excluding loading, and unloading and storage areas in an industrial zone or business zone, containing more than six-thousand (6,000) square feet of area, or twenty or more vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping may be peninsular or island types.~~
- ~~(a) a.) Landscape Area: For each 100 square feet or fraction thereof, of vehicular use area, a minimum total of ten square feet of landscaped area shall be provided.~~
- ~~(b) b.) Minimum Area: The minimum landscape area permitted shall be 100 square feet with a five foot minimum distance to all trees from edge of pavement where vehicles overhang.~~

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~~2.)~~ Contiguous Area: In order to encourage the required landscaped areas to be properly dispersed, no individual areas shall be larger than 350 square feet in size, and no individual area shall be larger than 1,500 square feet in vehicular use areas over 30,000 square feet. In both cases, the least dimension of any required area shall be five feet minimum dimension to all trees from edge of pavement where vehicles overhang. Individual landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum total.

(c) ~~b.)~~ Minimum Trees: The following minimums are required, based upon total ground coverage of structures and vehicular uses areas. :

~~1.)~~ One (1) tree of no less than two (2) inches for every six (6) parking spaces shall be provided.

~~2.)~~ All trees shall be bailed and burlapped or containerized / potted when planted. The top eighteen (18) inches of the burlap bad and cage shall be removed when planting. Planting beds for parking lot trees shall be constructed so as to minimize damage to trunks and roots of the trees from vehicles, pedestrians and parking lot maintenance through the use of adequate soil planting area and curbing or parking blocks. Planting soil area per tree shall be a minimum of sixteen (16) square feet. The minimum dimension for the planting areas shall be four (4) feet on one side. All trees shall be maintained in a healthy condition.

(d)

~~e.)~~ Vehicular Overhang: Parked vehicles may hang over the interior landscaping area no more than two and one-half feet, as long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscape area.

vii. ~~9.)~~ Landscaping for Service Structures: Any service structure, accessory use, shall be screened whenever located in any residential zone, commercial zone, or when located on property abutting any residential zone) freeway or arterial street prohibiting driveway access. Structures may be grouped together; however, screening height requirements shall be based upon the tallest of the structures.

~~a.)~~ Location of Screening: A solid wall or fence shall enclose any service structure on all sides, unless such structure must be frequently moved, in which case a gate shall be permitted on one side. The fence or the wall shall be the same or similar materials as the same building. The average height of the screening material shall be one foot more than the height of the enclosed structure, but shall not be required to exceed ten feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. In addition to the wall or fence, such service structure shall be surrounded by some landscaping material.

~~b.)~~ Curbs to Protect Screening Material: Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regular occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved.

viii. ~~10.)~~ Interior Landscaping For All New Developments: All new developments regardless of type and all alterations or expansions to existing developments shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping shall consist primarily of new tree planting or the preservation of existing trees or hedges within the development site.

~~a.)~~ Preservation of Existing Landscape Materials: All trees having a trunk diameter of six inches or greater as measured twenty-four inches from ground level shall be preserved unless such trees are exempted as follows:

~~b.)~~ Trees within public rights of way or utility easements, or a temporary construction easement approved by the County Engineer.

~~c.)~~ Trees within the ground coverage of proposed structures or within twelve feet of the perimeter of such structure.

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~~(d) 3-~~ Trees within the driveway access to parking or service areas or proposed areas to service a single family-home.

~~4-~~ Trees that in the judgment of the Township Authority are damaged, diseased, over mature, which interfere with utility lines or are an inappropriate or undesirable species for that specific location.

~~(e)~~
~~It is encouraged that exempted trees subject to destruction be preserved by relocating and replanting of such trees.~~

~~(f)~~
~~It is encouraged that efforts be made to preserve natural vegetation areas. Consideration shall be given to laying out streets, lots, structures and parking areas to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens. It is further encouraged that whenever possible, heavily wooded areas be designated as park reserves.~~

~~(g)~~
~~b.) Tree Planting Requirements: For all new development the following landscape requirements shall apply:~~

~~For all new development the following landscape requirements shall apply:~~

Use	Requirements
PRD	There shall be tree plantings equal to one inch in tree trunk size for every 100 square feet in ground coverage by a structure. Such plantings shall be required within the property lot lines of each structure.
PCD / PTCD	In addition to the requirements of 13.03(A)(2) regarding vehicular use areas, the following shall apply: There shall be landscaped areas equal to 20 feet for every 1,000 square feet of building ground coverage area, or fraction thereof. Such landscaping areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other material designed and located in a manner complimentary to the overall architecture to the surrounding buildings.
PID	In addition to the requirement of 13.03(A)(2) regarding vehicular use areas, the following shall apply: There shall be tree plantings equal to one inch in tree size for every 2,00 square feet of building ground coverage, or fraction thereof.

~~(h) e-)~~ Parking Lots: see Section 23.03(B) hereof.

~~(i) d-)~~ No new tree planting shall be required if existing trees and the aggregate trunk sizes of such trees meet or exceed the requirements as set forth in this Article and providing that such trees are evenly distributed throughout the developed area and not confined either to out-of-the-way dense clusters or to the perimeter of the developed area. The minimum tree size for such tree plantings shall be no less than two inches in trunk diameter.

~~(i) e-)~~ For new development or construction, if new tree plantings are required for conformance to the landscaping requirements of this Article, the applicant or owner shall indicate on the landscape plan the location and size of such tree plantings. If such trees landscape plan is approved, the applicant or owner shall plant such trees as may be required within one year or the next planting season after issuance of a zoning permit.

Section 13004 – Street Tree Planting Requirements:

13.4 STREET TREE PLANTING REQUIREMENTS: The following are street tree planting requirements for all planned zoning districts:

~~(A) A-)~~ Requirements: It shall be required that all sub-divider or developers plant trees along public streets of their developments in such a manner, type, quantity and location as approved by the Zoning Commission and as defined by the following conditions, and that any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of development.

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- (1) ~~4~~-The tree to be planted is not an undesirable tree species, as listed on the Township's Public Tree Program.
 - (2) ~~2~~-The minimum spacing between this and other trees is forty-five feet for large tree, thirty-five (35) feet for medium tree and twenty-five (25) feet for a small trees. See definitions below.
 - (3) ~~3~~-The tree location is to be at least twenty (20) feet from street intersections and ten (10) feet from fire hydrants or utility poles.
 - (4) ~~4~~A small tree is to be used when planting under or within ten (10) lateral feet of overhead utility wires. A small or medium tree is to be used when planting within ten (10) or twenty (20) lateral feet to overhead utility wires.
 - (5) ~~5~~-The developer shall be required to maintain the trees for three years after the trees are planted and to replace any tree which dies within such one year guarantee period. Upon completion of a tree planting, the landscape contractor shall contact the Township Zoning Department for a preliminary inspection. The guarantee period shall begin after approval of the Zoning Department. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the Zoning Administrator, shall be promptly replaced at the expense of the developer.
 - (6) ~~6~~-The trees will be as approved by the Zoning Commission according to the approved tree list. A mix of species is required.
 - (7) ~~7~~-The minimum trunk caliper measured at six (6) inches above the ground for all street trees shall be no less than two inches.
 - (8) ~~8~~-The maximum spacing for large trees shall be fifty (50) feet, for medium trees, forty (40) feet and thirty (30) feet for small trees.
- (B) ~~B~~-Tree Topping: No person shall, as a normal practice, top any tree within the public right of way. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or trees under utility wires or other obstructions where other pruning practices are impractical are hereby exempted from this Subsection.
- (C) ~~C~~-Height of Limbs Over Sidewalks and Streets: Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than seven (7) feet above sidewalks. Tree limbs extending over streets shall be trimmed to such an extent that no portion of the same shall interfere with normal traffic flow.
- (D) ~~D~~-Reducing Tree-Lawn: No person shall by any type of construction reduce the size of the tree-lawn without first obtaining permission from the Zoning Commission.
- (E) ~~E~~-Violations: A person who removes, damages or causes to be removed a public tree (including by interference with the tree's drip line) from the tree-lawn or other public place shall be required to replace the tree at his expense, with a tree or tree(s) having the same number of inches of tree trunk size equally the tree that was removed or damaged. No tree installed as a replacement tree shall have less than a minimum diameter of two (2) inches.
- (F) ~~F~~-Definitions:
- (1) ~~1~~-Large Tree: means any tree species which normally attains a full grown height in excess of fifty (50) feet.
 - (2) ~~2~~-Medium Tree: means any tree species which normally attains a full growth height of between twenty-five (25) and fifty (50) feet.
 - (3) ~~3~~-Small Tree: means tree species which normally attains a full-growth height of under twenty-five (25) feet.
 - (4) ~~4~~-Drip Line: The area directly located under the outer circumference of the tree branches. The feeder roots of a tree usually extend to this line and receive water that drips off the canopy above.

Section 13005 – Landscape Materials:

13.5 LANDSCAPE MATERIALS

- (A) ~~A~~-Plants: All plant materials shall be living plants that conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations. Artificial plants are prohibited in all landscaped areas in the Township required as per this chapter.
- (B) ~~B~~-Deciduous Trees: Deciduous trees shall be species have an average mature crown spread of greater than fifteen (15) feet in Central Ohio and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where eight (8) foot clear wood requirements will control. Trees having an average mature spread of crown less than fifteen (15) feet may be

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substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. Deciduous trees shall be a minimum of five (5) feet in height and two inches in trunk diameter at planting.

~~(C) C.) Evergreen Trees: Evergreen trees shall be a minimum of five (5) feet in height.~~

~~D. E) Earth Mounds: Earth mounds shall be physical barriers, which when planted block or screen the view just as a hedge or low wall would. Mounds shall be constructed of clean fill, topsoil and similar materials, and shall be designed with proper plant material to prevent erosion and facilitate drainage.~~

(D) Earth mounds shall not exceed four (4) feet in height and shall be planted completely by plant material which may include mulching limited to the immediate base of plantings, of which no greater than fifty percent shall be turf. Earthen mounds shall have a maximum slope of three to one or three feet horizontal space is required for each one-foot vertical change in elevation. The crest or top of the mound shall be rounded with elevation changes maintained one foot off of the centerline of the mounds.

Section 13006 – Plan Submission and Approval:

~~13.6 PLAN SUBMISSION AND APPROVAL:~~ Whenever any property is affected by these landscaping requirements, the property owner or developer shall prepare a landscape plan. Where such plans are part of an application for rezoning, variance, conditional use or other matters which must be approved by the Township Zoning Commission or Township Board of Zoning Appeals, such plans shall be submitted as part of the required application and other required plans. All other landscape plans shall be approved by the Township Zoning Department.

(A) ~~A.) Plan Content: The contents of the plan shall include the following:~~

- (1) ~~1.) Plot plan, drawn to an easily readable scale no smaller than one inch equal twenty feet; showing and labeling by name and dimensions, all existing and proposed property lines, easements, buildings and other structures, vehicular use areas including parking stalls, driveways, service areas square footage, etc., location of structures on adjoining parcels, water outlets and landscape materials, including botanical names and common names, installation sizes, on center planting dimensions where applicable, and qualities for all plants used and all existing trees;~~
- (2) ~~2.) Typical elevations and/or cross sections as may be required.~~
- (3) ~~3.) Title block with the pertinent names and addresses, property owner, person drawing plan, scale, date, north arrow, general orient plan so that north is to top of plan and zoning district.~~

(B) ~~B.) Zoning Permit: Where landscaping is required, no zoning permit shall be issued until the required landscaping plan has been submitted and approved and a performance bond, or irrevocable letter of credit from a banking institution registered in the State of Ohio, has been posted. C.)~~

(C) ~~Posting of Bond or Irrevocable Letter of Credit: After an irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be installed within six months after the date of posting the bond or irrevocable letter of credit. A one month extension of the planting period may be granted by the Zoning Department upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant material. No more than three such one month extensions may be granted. Proceedings shall be brought against the performance bond or irrevocable letter of credit if the required landscaping plans have not been complied with by the end of the approved planting period.~~

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SECTION 13600 – FENCES

Section 13601 – Purpose:

The purpose of this section is to establish regulations controlling the location, installation and standards for fences in order that a property owner may construct a fence which retains the privilege of privacy, allows attractive landscape design, or offers reasonable security while assuring that such fences are located and constructed to respect the rights and enjoyment of neighboring property owner, the appearance of the community, and the overall health, safety, and public welfare of its residents.

This section sets forth regulations pertaining to the location, installation and standards for new fences in all zoning districts in the Township. Any fence erected prior to the date of this section, which does not comply with these regulations, shall be nonconforming. However, the Zoning Administrator may order appropriate remedial measures to alleviate any hazardous conditions related to any fence, whether newly constructed following adoption of this section, or constructed prior to the adoption of this section, whether conforming or nonconforming, when the Zoning Administrator determines that such condition, without immediate remedial measures jeopardizes the health and safety of nearby residents or occupants.

Section 13610 – Fence Standards:

General fence standards for all Zoning Districts (except for agricultural uses) shall be:

- 1-(A) No barbed wire fence or similar sharp point fence shall be constructed, erected or maintained in any district except for agricultural uses.
- 2-(B) Electrically charged fences shall be forbidden in all districts except on sites used to confine livestock.
- 3-(C) All fences shall be maintained in good condition, be structurally sound and attractively finished at all times. Any ground between the fence and property line shall be well maintained.
- 4-(D) Fences on parcels that abut on an improved right-of-way must include landscaping consisting of planting beds, shrubs and/or trees along the side that is visible from the improved right of way/.
- 5-(E) All fences and walls must present the finished non-structural face outward.
- 6-(F) No fence or wall may be placed such they interfere with street level sight visibility for a distance of 50 from any approach to an intersection. No fence or wall shall be permitted to encroach upon public rights-of-way or easements.
- 7-(G) Mesh wire fence shall be permitted if incorporated into or an integral part of a wood rail fence.
- 8-(H) All fences must be constructed in front of any property line and/or easement.
- 9-(I) Fences cannot be constructed beyond the front building line unless said fence is a “decorative fence” as defined in Definitions Article of this Resolution.
- 10-(J) All fences on a parcel shall have a unified style.
- 11-(K) Guard rails shall not be used as fencing.

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Section 13620 – Fence Standards for Residential Districts:

- (A) **Front yards:** All front yard fences require a Fence permit. In front yards only the following fences shall be permitted unless otherwise prohibited by deed restrictions:
 - i-(1) Decorative fences to a maximum height of three (3) feet provided that said fence complies with Standards otherwise found in Section X.
 - ii-(2) Open fences designed to only partially enclose an area. An example of this would be a short length of white picket fencing incorporated into a landscape treatment along a walkway to a porch.
- (B) **Side and rear yards:** The following shall be permitted unless prohibited by deed restrictions:
 - i-(1) Chain link fences to a maximum height of four (4) feet.
 - ii-(2) Fences to a maximum height of six (6) feet, including privacy fences unless the property line abuts property in a commercial or industrial district. When the property line abuts property in a commercial or industrial district, a fence with a maximum height of eight (8) feet may be constructed.
- (C) **Other:** The following shall be permitted:
 - i-(1) Chain link fences shall be permitted in residential districts for sport applications. Chain link fences for full size tennis courts, basketball courts, baseball diamonds, softball diamonds and other similar applications are limited to ten feet in height.
 - ii-(2) Fencing around Swimming Pools: See Section 10100.

Section 13630 – Fence Standards for Commercial, Office, and Industrial Districts:

- All fences erected in a commercial, office, or industrial district require a Conditional Use Permit consistent with the requirements of Article IV.
- (A) Chain link fences shall be permitted in order to secure the premises and for sport applications.
 - (B) Chain link fences are limited to the buildable area of the lot.
 - (C) Chain link fences are limited to a maximum height of five feet above grade except as specifically stated otherwise. Chain link fences for full size tennis courts, basketball courts, baseball diamonds, softball diamonds and other similar applications are limited to ten feet in height.
 - (D) In industrial districts only, chain link fences are permitted forward of the principal structure but shall not encroach into the minimum required front building setback.
 - (E) The use of wood, metal, plastic or fiberglass strips woven into chain link fence is prohibited.
 - (F) Chain link fences viewable from public rights-of-way shall be screened with evergreen trees and shrubs.

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Section 13640 – Fence Administration:

Permit Required: No fence shall be constructed, altered or reconstructed without a permit from the Zoning Administrator and after such application has been approved.

Inspections: It shall be the duty of each property owner to determine property lines and to ascertain that the fence thus constructed does not deviate from the plans approved by the Township, and such fence does not encroach upon another lot or parcel of land nor is it in violation of any deed restrictions. The Township shall furnish such inspection as is deemed necessary to determine that the fence is constructed in accordance with plans submitted for permit, provided, however, that the issuance of the permit by the Township shall not be construed to mean that the Township has determined that the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him therein.

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ARTICLE XIV – TELECOMMUNICATION TOWERS

Section 14001 – Purpose Telecommunication Towers:

Pursuant to the Telecommunications Act of 1996 and the ORC Section 519.211, and the Millcreek Township Trustees being duly notified of a person's intent to construct a Telecommunication Tower in any area zoned for residential use, public utilities or other functionally equivalent providers may site a telecommunications tower as a conditional use provided the conditions of this Article are met.

Section 14100 – Definition of Telecommunication Tower:

A telecommunication tower shall meet all of the following conditions:

- 1-(A) Constructed on or after October 31, 1996
- 2-(B) Owned or principally used by a public utility engaged in the provision of telecommunication service.
- 3-(C) A free standing structure or is attached to another building or structure and is higher than the maximum allowable height permitted in the zoning district in which it is located.

Section 14200 – Telecommunication Tower Performance Bond:

For each telecommunication tower, the owner or operator shall provide to the Township, a surety bond or a bank letter of credit, to assure the Township that the terms and conditions of this Article are performed and complied with, including necessary repairs, repairs to public highways and roads and the cost and expense of removal in the event of abandonment. The Millcreek Township Board of Trustees may draw upon the performance bond to recover any costs, damages, or expenses incurred by the Township, which arise out of the violations of this Article or the abandonment or discontinuance of the use of a tower.

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Section 14300 – Procedure to Request ~~Installation~~Installation of Telecommunication Tower;

Any request to the Township must include all of the following items;

- 1-(A) The applicant shall provide proof of notification to contiguous or directly across the street property owners as required by ORC Section 519.211.
- 2-(B) The applicant must demonstrate at the time of application that no technically suitable and feasible sites are available in a non-residential district. There shall be an explanation of why a tower at this proposed site is technically necessary.
- 3-(C) Co-location. Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other users on the same tower to the extent possible. All co-located and multiple-use telecommunication facilities shall be designed to promote facility and site sharing.
- 4-(D) Setbacks from all platted residential uses and residential districts. All new towers shall be setback from the closest subdivision boundary line for all platted residential subdivisions, and for all non-platted residential districts from the closest residence, a distance of nine hundred (900) feet with the exception of the R-1 zoning district where such setback shall be two hundred (200) feet.
- 5-(E) The entire structure of all new facilities proposed to be located within 1 mile of residentially platted and zoned areas must be camouflaged through location in or on, other existing structures.
- 6-(F) Setbacks from all streets and private and public road right of ways. All new towers shall be setback from all road right of ways public and private, a distance of nine hundred (900) feet.
- 7-(G) Setbacks from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance of nine hundred (900) feet.
- 8-(H) Any and all base station equipment, accessory structures, buildings, etc. used in conjunction with the tower shall be screened with fencing, masonry, shrubbery or other screening materials.
- 9-(I) The applicant shall notify the Zoning Administrator within thirty (30) Days of ceasing operations at the site and shall remove all structures within one hundred and twenty (120) days of ceasing operations.
- 10-(J) No advertising or illumination other than that required by law may be located on the structure or on the required screening.
- 11-(K) An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the Zoning Office every five (5) years which details the structural integrity of all towers and support structures on the property. The results of such inspections shall be provided to the Union County Building Regulations Department and Millcreek Township Zoning Administrator. Based upon results of an inspection, the Township Trustees may require repair or removal of a communication tower. Any and all necessary repairs to the tower and/or support structures shall be made within a seven (7) day period or the tower and/or structures shall be removed. The tower owner (applicant) is responsible to cover the cost of all inspections, repair, and/or removal.

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Section 14300 – Procedure to Request Installation of Telecommunication Tower (Continued)

42.(L) The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures will comply with distances in the zoned district of the tower location. These facilities may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios except for emergency purposes, or other uses that are needed to send or receive transmissions.

43.(M) A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the fence saying, "Danger - High Voltage." The operator must also post "NO Trespassing" signs.

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ARTICLE XV – NOISE & LIGHTING

Section 15000 – Noise Purpose:

The purpose of this section is to provide for maintained quality of life through the limitation of noise and lighting pollution.

Section 15001 – Loud and Unnecessary noises prohibited:

No person shall make, continue or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the Township.

Section 15002 – Certain Loud and Disturbing Noises in Residential Subdivisions Enumerated:

The following acts are declared to be loud, disturbing and unnecessary noises in Residential Subdivisions, in violation of Section 12001, but such enumeration shall not be deemed to be exclusive, namely:

- a-(A) **Animals and Birds.** The keeping of any animal or bird by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- b-(B) **Defect in Vehicle or Load.** The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- c-(C) **Domestic Power Tools.** Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snow blower, small power equipment, or similar device used outdoors in residential areas between the hours of 11:00 p.m. and 6:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.
- d-(D) **Drums.** The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale; not including school functions and athletic events.
- e-(E) **Engine-Repair and Testing.** It shall be unlawful for any person to repair, rebuild or test any engine so as to create a noise disturbance between the hours of 11:00 PM and 8:00 AM the following day.
- f-(F) **Exhaust.** The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises.
- g-(G) **Loudspeakers / Public Address System.**
 - i-(1) Using or operating for any noncommercial purpose any loudspeaker, public address system, or similar device between the hours of 10:00 p.m. and 8:00 a.m. the following day, such that the sound there from creates a noise disturbance across a residential real property boundary or within a noise sensitive zone.
 - ii-(2) Using or operating for any commercial purpose any loudspeaker, public address system, or similar device (a) such that the sound there from creates a noise disturbance across a real property boundary or within a noise sensitive zone; or (b) between the hours of 8:00 p.m. and 10:00 a.m. the following day on a public right-of-way or public space.
- h-(H) **Radios, Musical Instruments and Similar Devices.** Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound;
 - i-(1) Between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise sensitive zone.
 - ii-(2) In such a manner as to create a noise disturbance at 50 feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space, or
 - iii-(3) In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.

Section 15004 – Measurement and Control of Noise:

- (A) **a. Noise Prohibited.** No person shall make, continue or cause to be made or continued any noise in excess of the noise levels set forth herein unless such noise is reasonable necessary to the preservation of life, health, safety or property.
- (B) **b. Measurement and Control.** It shall be unlawful for any person to cause a sound from a stationary source which exceeds any sound level as set forth in the applicable column in the following table titled "Maximum Permissible

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Sound Levels" when measured at any point within any other property affected by the sound. Measurement shall be made by a duly authorized individual who is knowledgeable in the proper use of the measurement equipment. Measurement shall be made in slow response, A-weighting, except in the case of impulsive sound which shall be measured with an impulsive sound level meter, ANSI S1.4-1971. Octave band measurements, where noted, shall be made with an octave band analyzer.

Maximum Permissible Sound Levels from Stationary Sources

<i>Zoning District</i>	<i>Time of Day</i>	<i>Continuous Sound (db)</i>	<i>Impulsive Sound (db)</i>
U-1, R-1, Planned Residential Districts	All	60	80
B-1, B-2, B-3 , Planned Commercial District, Planned Mixed-Use Town Center Districts	All	65	90
M-24, EQ, Planned Industrial Districts	All	70	110

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Section 15006 – Exceptions and Special Waivers:

- a-(A) Exceptions.** The following uses of an activity shall be exempt from noise level regulations:
- i-(1) Noise of safety signals and warning devices.
 - ii-(2) Noises resulting from any authorized vehicle, when responding to an emergency.
 - iii-(3) Noises resulting from the provision of township services.
 - iv-(4) Any noise resulting from activities of a temporary duration permitted by law and/or for which a waiver has been granted by the Township.
 - v-(5) The unamplified human voice.
 - vi-(6) Parades and public gatherings for which a special waiver has been issued.
 - vii-(7) Bells, chimes, carillons while being used for religious purposes or in conjunction with religious services, or for national celebrations or public holidays, and those bells, chimes, carillons that are presently installed, and in use, for any purpose.
- b-(B) Exceptions for time to comply.** Upon good cause shown by the owner or responsible party for any noise source, the Zoning Commission shall have the power to grant an exemption from the requirement of this Section in order to allow sufficient time for installation of needed control equipment, facilities, or modifications to achieve compliance, not to exceed ten (10) days, provided that such exemption may be renewed as necessary, but only if satisfactory progress toward compliance is shown. A request for exemption shall be filed in writing with the Zoning Administrator.
- e-(C) Use exemptions.** The following uses and activities shall be exempt from noise level regulations:
- i-(1) Lawn maintenance equipment when it is functional within manufactures specifications and with all mufflers and noise reducing equipment in use and in properly operating condition between the hours of 8:00 a.m. and 9:00 p.m.
 - ii-(2) Non-amplified crowd noises resulting from the activities such as those planned by day care centers, schools, governmental or community groups.
 - iii-(3) Amplified announcements, electronically amplified announcements at athletic or special events from 8:00 a.m. to 12:01 a.m.
 - iv-(4) Agricultural activities.

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Section 15500 – Lighting Standards and Requirements;

The following standards shall apply to all exterior light fixtures within the Township, except street lighting and associated traffic devices provided by a public utility or governmental entity within a public right-of-way.

Section 15510 – Lighting Standards (All Zoning Districts);

- 1-(A) All lights shall be shielded in such a way as to direct all light toward the Earth's surface and away from reflective surfaces.
- 2-(B) Light fixtures or lamps shall be shielded / shaded in such a manner as to direct incident rays away from all adjacent property.
- 3-(C) No luminaire shall have any blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color nor is any beacon light permitted, except those required for fire alarm and/or emergency systems.
- 4-(D) Neither the direct nor reflected light from any luminaire shall create a disabling glare causing traffic hazards on public thoroughfares.
- 5-(E) Lights on poles shall not be taller than the building whose area they illuminate nor taller than fifteen (15) feet whichever is shorter.
- 6-(F) Any facilities which may require floodlighting may not arrange the light in such a way that it will shine towards roadways, onto adjacent residential property or residential use property or into the night sky.
- 7-(G) Any interior lighted signs may not be lit at night when any face of the sign is removed or damaged in such a way that the light may distract drivers or homeowners.
- 8-(H) The level of lighting shall not exceed 0.5 foot-candles at any residential property line or 1.0 foot-candle at any non-residential property line.
- 9-(I) Except as stated elsewhere in these regulations, light levels will be limited to those published as recommendations by the Illuminating Engineering Society of North America.

Section 15520 - Additional Lighting Standards for Commercial, Business, Industrial, and Natural Resource Zone;

The requirements of this subsection also apply to any roadway adjacent to any Residential Zoning District.

- 1-(A) Any light fixture must be placed in such a manner that no light emitting surface is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at ground level.
- 2-(B) All parking lot lighting will use full cutoff lighting fixtures. Parking areas shall be lighted using pole mounted lighting fixtures. The fixtures shall be located within or adjacent to the parking areas, in raised traffic island, parking bay separators or adjacent landscape areas. Poles and luminaires shall be located so as not to be damaged by automobiles being parked (front overhang minimum 39 inches; rear overhang minimum 60 inches). In no case shall parking areas be illuminated by building mounted lights.

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Section 15520 – Additional Lighting Standards for Commercial, Business, Industrial, and Natural Resource Zone (Continued)

- 3-(C) On all parking lots which contain a minimum of four (4) parking lot light poles, parking lot lighting levels for ground surface parking lots shall be reduced by at least fifty (50) percent of full operational levels within one (1) hour after the close of business, provided, however, that this provision shall not require parking lot lighting levels to be reduced to less than 0.2 foot-candles as measured horizontally at the surface on which the light pole is mounted.
- 4-(D) Any canopy structure used at a business location must have recessed lights with diffusers which do not extend below the surface of the canopy.
- 5-(E) Any luminaire on a pole, stand or mounted on a building must have a shield, an adjustable reflector and nonprotruding diffuser.
- 6-(F) Building facade lighting shall not shine above the facades.

Section 15530 – Lighting Standards Exemptions:

- 1-(A) Federal or state laws, rules and regulations take precedence over these provisions.
- 2-(B) Fire, police, rescue, or repair personnel need light for temporary emergency situations.
- 3-(C) Holiday lighting fixtures
- 4-(D) Motion activated light fixtures located as follows:
 - i-(1) On lots developed with single family dwellings when such lighting fixtures emit initial lighting levels of 6000 lumens or less and are aimed such that the lamp or light bulb portion of the lighting fixture is not visible at five (5) feet above the property boundary.
 - ii-(2) On all other lots when such lighting fixtures are aimed such that the lamp or light bulb portion of the lighting fixture is not directly visible at five (5) feet above the property boundary.
- 5-(E) Lots developed with single family dwellings provided outdoor lighting fixtures are 2000 lumens or less.
- 6-(F) Special requirements exist such as with sports facilities and monument or flag lighting; all such lighting shall be selected and installed to shield the lamp(s) from direct view to the greatest extent possible, and to minimize upward lighting and light trespass.

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ARTICLE XVI – ADULT ENTERTAINMENT FACILITIES

Section 16001 – Purpose:

The Adult Entertainment Facilities Regulations grow out of noted concerns raised by Millcreek Township concerning the possibility of adult businesses locating in the Township and the potential of resulting ill effects on the health, general welfare and morals of the Township.

Section 16010 - Zoning Authority:

Millcreek Township, Union County, Ohio, pursuant to Ohio Revised code Section 519.02 and for the purposes specified thereunder, may and does regulate and has local zoning control over land use in Millcreek Township. Adult entertainment establishments are a type of land use.

Section 16020 - Studies of Sexually Oriented Businesses:

Millcreek Township has elected to reference the work compiled and adopted by the Zoning Commission of Orange Township of Delaware County, Ohio.

Section 16030 - Zoning Issues Regarding Adult Entertainment Establishments:

At the time of the adoption of this regulation there are no sexually oriented businesses in Millcreek Township. There is the possibility that adult entertainment businesses will someday want to locate within the Township. Renton, Washington, a suburb of Seattle, enacted 1000 foot separation standards between adult entertainment establishments and certain other land uses; those standards were upheld by the United States Supreme Court. More recently the State of Ohio Courts have upheld 1,500 foot separation standards. The Township wishes to use zoning powers to establish appropriate locations for adult entertainment establishments so as to minimize the adverse secondary effects of such establishments. Millcreek Township has chosen to follow the standards upheld in the State of Ohio in Section 13001 (2) (a).

At the time of the adoption of this amendment to the zoning Resolution, Millcreek Township has Limited Industrial (M) along US Route 33, a four-lane federal highway that bisects the township. The M District would be the most appropriate location for adult entertainment establishments provided they can meet the 1500 foot separation requirement in Section 13001 (a)(2). Planned Districts composed entirely of Limited Industrial uses and Additional Limited Industrial zones are proposed by the Township comprehensive land use and growth plan that could also conform to the 1500 foot separation requirement.

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Section 16040 – Permitted Adult Entertainment Establishments;

Adult Entertainment Establishments, with the exception of "touching businesses", are conditional uses, conditionally permitted in the Limited Industrial (M) district provided:

- a-(A) Adult entertainment establishments shall not be permitted within 1500 feet (measured from the closest property line of each use) of:
 - i-(1) A religious institution
 - ii-(2) A kindergarten -12th grade school or teaching facility, whether public or private, governmental or commercial which is attended by persons under eighteen (18) years of age
 - iii-(3) A park, playground, or recreational facility attended by persons under eighteen (18) years of age
 - iv-(4) Any residence
 - v-(5) The boundary of any residential zoning district
 - vi-(6) A library
 - vii-(7) A day care center
 - viii-(8) Another adult entertainment establishment
- b-(B) Only one adult entertainment establishment (i.e. adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater, lingerie modeling studio, nude or seminude model studio, or sexual encounter establishment) is permitted in a single building. No co-location of adult entertainment establishments is permitted within one building. It is not permissible to co-locate an adult bookstore with an adult theater, for example.
- c-(C) Hard core material is not displayed publicly, as defined in the Definitions section of this Resolution.
- d-(D) No adult entertainment establishment shall be open for business prior to 10:00 a.m. or later than 11:00 p.m.
- e-(E) Viewing booths shall not be used in conjunction with any "touching business" that results in the touching of clients by employees or employees by clients.
- f-(F) Adult entertainment stores that sell both mainstream media and hard core material shall physically and visually separate hard core material from main stream media using the standards in Section 16040.a (1-8).

Section 16050 – Prohibited Adult Entertainment Establishments;

"Touching businesses" such as non-therapeutic massage, lap dancing, and nude modeling that involves employee-client contact are prohibited.

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Section 16060 – General Conditions for Adult Entertainment Facilities Use;

- (A) 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 areas public or semi-public.
- (B) 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.
- (C) No screens, loudspeakers, or sound equipment shall be used for adult motion picture theatres (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
- (D) Off-street parking shall be provided in accordance with the standards of Article IX.

Section 16070 – Mainstream Shops Also Selling Adult Material;

Mainstream media shops or stores that have a maximum of 10 percent of their gross floor area devoted to hard core material are permitted in Commercial and Industrial Districts, provided;

- ~~(A) 1.~~ Hard core material shall be physically and visually separated from main stream media, and shall not be displayed publicly as defined in Article IV.
- ~~(B) 2.~~ Separation shall be by a solid opaque-walled enclosure at least eight feet high or reaching to the ceiling.
- ~~(C) 3.~~ Inventory marketed to and predominantly consumed by minors shall not be displayed within 15 feet of the entrance to the hard core material section.
- ~~(D) 4.~~ Access to the hard core material section shall be controlled by electronic or other means to provide assurance that a person under age 18 will not obtain access, and the general public will not accidentally enter this section.
- ~~i.(E)~~ The hard core material section shall provide signage at its entrance warning that persons under the age of 18 are not permitted inside.
- ~~ii.(F)~~ No adult arcades are permitted in mainstream media stores.
- ~~iii.(G)~~ No more than one designated area for sexually oriented merchandise per store.
- ~~iv.(H)~~ There shall be no exterior signs that advertise hard core or XXX media.

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ARTICLE XX – INTERPRETATION & DEFINITIONS

Section 20100 – Interpretation of Terms or Words:

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

(A) _____ The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

1.

(B) _____ The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

2.

3.(C) _____ The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.

(D) _____ The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied”.

4.

5.(E) _____ The word “lot” includes the words “plot” or “parcel”.

Section 20200 – Definitions:

Access Management – The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed; refer to Union County Access Management Regulations

Accessory Use or Structure – A use or structure on the same lot with, and or a nature customarily incidental and subordinate to, the principal use or structure

Acre – A measure of land. One (1) acre shall equal forty-three thousand, five hundred sixty (43,560) square feet

Addition – Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area

Adult-Oriented Business – An establishment having as its primary stock and trade material that is distinguished or characterized by its emphasis on sexually oriented material that is harmful to juveniles or obscene

Adult – An individual eighteen years of age or older.

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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Section 20200 – Definitions (Continued)

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:

(A) ~~(a)~~ Hard core material.

(B) ~~(b)~~ Adult novelties, 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 cabaret means 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:

(1) Persons who appear in a state of nudity or semi-nudity;

(A) ~~(2)~~

— Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;

(B) ~~(3)~~

(C) Films, motion pictures, video cassettes, slides, or other photographic reproductions, which 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 or Sexually Oriented Business – An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, lingerie modeling studio, 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 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 building – A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee or their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products grown or raised on the premises.

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Section 20200 – Definitions (Continued)

Agriculture – “Agriculture” includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry; including, but not limited to , the care and raising of livestock, equine, and furbearing livestock; poultry husbandry; and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber, pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but secondary to, such husbandry or production.

Alley – Any public way or thoroughfare less than twenty (20) feet in width which is located at the back or side of properties abutting on another street. Alleys may be public or private.

Animal Feed Lot – A lot, yard, corral, or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze.

Apartment – One or more rooms in a dwelling designed and intended for occupancy as a separate dwelling unit.

Arcade – A series of arches supported by piers or columns.

Architectural Development Plan (ADP) – A conceptual plan of a proposed residential land development, together with written materials, showing the general character and layout of the development parcel including the approximate location and density/intensity of uses, the approximate location of parks and open space, the location of existing and proposed streets and alleys, and the relationship of the development to adjacent areas that it may affect.

ATV – “All-Terrain Vehicle (ATV)” means any motor vehicle designed for off highway use and designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control.

Automotive Repair – The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision services, painting and steam cleaning of vehicles.

Automotive Vehicle – A vehicle which is designed and manufactured to be self-propelling or self-moving upon the public highway. More specifically, as referred to in this Resolution, it includes: automobiles, trucks, semi-tractors and motorcycles or any vehicle licensed for highway use.

Alterations, Structural – Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

“A-Weighted” Sound Level – The sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated dB(A) or dBA.

Awning – A structure extended before a window or door as protection from sun or rain.

Basement – A story all or partly underground but having a least one-half of its height below the average level of the adjoining ground.

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Section 20200 – Definitions (Continued)

Bed and Breakfast Inn – A single family, private residence that provides overnight accommodations and a morning meal to transients for compensation. The owner/operator of the bed and breakfast must live full time on the inn’s premises. B & B inns shall contain no more than six (6) separate guest rooms.

Billboard – A sign directing attention to a specific business, product, service, entertainment, or other activity sold, offered or conducted elsewhere than upon the lot on which the sign is located or for public service and information for political advertising.

Board of Zoning Appeals (BZA) – The Board of Zoning Appeals of Millcreek Township, Union County, Ohio

Breezeway – A roofed structure, with or without enclosing walls, connecting an accessory structure to the principal building.

Buffer – A strip of land, fence, or border of trees between one use and another that may or may not have trees and shrubs planted for screening purposes, designed to set apart one use area from another.

Building – Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building, Accessory – A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

Building, Height – The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roof, and the mean height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Bay – Any of a number of principal divisions of a wall, roof, or other part of a building marked off by vertical or crosswise supports.

Block Face – The properties abutting on one side of a block.

Building Line – See setback line

Building Mass – The three-dimensional bulk of a building: height, width, and depth.

Building Manufactured – A manufactured building has the following features or characteristics: It is (1) mass produced in a factory; (2) designed and constructed for transportation to site with or without a chassis for installation and use when connected to required utilities; (3) either an independent, individual factory erected building or a module with two or more sides erected at the factory, for combination with other elements to form a building on the site.

Building Scale – The relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings.

Building Principal – A building in which is conducted the main or principal use of the lot on which said building is situated

Section 20200 – Definitions (Continued)

Business, Convenience - Type Retail – A retail business whose market area is the neighborhood or part of the community, which provides convenience-type goods and personal services for the daily needs of the people within the residential area. Uses include, but are not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry facilities, supermarkets, etc.

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Business, Drive-in – Any business, structure or premise which is designed primarily to serve occupants of motor vehicles without the occupants having to leave the vehicle.

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Business, Service – Any profit making activity which renders primarily services to the public or to other commercial or industrial enterprises. Some retail sales may be involved in connection with the service rendered.

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Business, Shopping - Type Retail – A retail or service business which supplies a wide variety of comparison goods and services to consumers in a market area that includes the community or an area greater than a community. Examples of shopping-type businesses are furniture stores, automobile sales and services and clothing shops.

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Business Operations – Business operations are any activities that take place in connection with the day-to-day operation of or activities associated with an ongoing business concern, whether for profit or in kind payment. For enforcement purposes, this definition shall include the employment of one or more employees, or the lack thereof. The lack of a visiting customer base or clientele shall not exempt a property owner from the definition of business operations.

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Campground, Commercial or Private – An area of land proving space for or containing two (2) or more recreational vehicles, cabins, camping tents, or other similar type of shelter designed for the seasonal, recreational use of transients.

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Cemetery – Land used or intended to be used for the burial of animal or human dead and dedicated for cemetery purposes including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

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Character – Those attributes, qualities, and features that make up, distinguish a development project, and give such project a sense of purpose, function, definition, and uniqueness.

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Chassis – The steel undercarriage, supporting framework to which a dwelling is permanently attached.

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Clean fill – Soil brought in to fill low areas or other depressions in the earth. Clean fill is free from hazardous substances, large stones, metals, plastics, asphalt, concrete and other debris, waste or junk.

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Clinic – A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

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Club – A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, fraternal or recreational purpose primarily for the exclusive use of members and their guests.

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Commercial Grade Equipment – Playground and / or picnic / barbeque equipment used and intended for installation in high use areas or public settings, such as parks, or other recreational facilities.

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Section 20200 – Definitions (Continued)

Commercial Motor Vehicle / Trailer –

- (A) The vehicle has a gross vehicle weight (GVW) rating of 26,000 pounds;
- (B) The vehicle is towing a trailer that exceeds 10,000 pounds gross weight and the combined weight of the vehicle and the trailer exceeds 26,000 pounds;
- (C) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Motor Carrier Safety Administration to be a commercial motor vehicle, including but not limited to a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells and a portable crane;
- (D) The vehicle is designed to transport more than 15 passengers including the driver

Common Access Drive – A common access driveway (CAD) is a privately constructed, privately owned, and privately maintained driveway located within an ingress/egress easement serving more than one lot (or parcel) but not more than five lots (or parcels) installed in accordance with the requirements of the Union County Engineer.

Compatible or Compatibility – The characteristics of different uses, activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics that affect compatibility are landscaping, lighting, noise, odor, and architecture. Compatibility does not mean “the same as,” but rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

Comprehensive Development Plan or Comprehensive Land Use Growth Plan – A plan, or any portion thereof, adopted by the Regional Planning Commission, the Board of County Commissioners, and/or The Board of Township Trustees, showing the general location and extent of present and proposed physical facilities including housing, industrial, and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan established the goals, objectives, and policies of the community.

Conditional Use – A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of District Regulations.

Conditional Use Permit – A permit issued by the Zoning Administrator upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Construction – Any site preparation, assembly, erection, substantial repair, alteration, demolition, or similar action.

Construction Trailer – A temporary building or trailer used in conjunction with construction work that only may be permitted in any district during the period the construction work is in progress, but shall be removed upon completion of the construction work. A construction trailer shall not be used as a residential dwelling or for storage on a residential property following completion of construction.

Continuous Sound – A sound, the intensity of which remains essentially constant during a given period of time. Continuous sound shall be measured by the slow response setting of a sound level meter.

Connectivity – The ability to be linked between areas, through vehicular and pedestrian transportation systems, including adjacent and proposed residential neighborhoods and schools, parks, trails, shopping and employment areas.

Corner Lot – See Lot Types

Cornice – A continuous, molded projection that crowns a wall or other construction, or divides it horizontally.

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Crushed fines – Crushed granite or other similar types of crushed rock, used for the surface of trails.

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Section 20200 – Definitions (Continued)

Daytime – Denotes the local time of day between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and between the hours of 9:00 a.m. and 9:00 p.m. on Saturdays, Sundays and local legal holidays.

DBA – "Decibel-A-Weighted" – Sound pressure level as measured on the "A" scale of a sound level meter manufactured in accordance with the specifications of the American National Standards Institute, Inc. (ANSI), Type 2, ANSI-S1.4(1971), calibrated within two (2) hours of being used for measurement. Unless otherwise noted, measurements shall be made in the slow response mode of the meter.

DBH – Base Diameter at a height of 18 inches above the soil line.

Deed Restriction – A legal restriction, not enforceable by zoning, on the use of land, contained in the deed to the property.

Density – A unit of measurement; the number of dwelling units per acre of land.

Density, Gross – The number of dwelling units per acre of the total land to be developed.

Density, Net – the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses. Net density calculations exclude rights-of-way of publicly dedicated streets, private streets, water retention and detention areas, open space provided as a part of the development, associated recreation facilities, etc.

Decibel (dB) – A unit of sound pressure, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micro-pascals (20 micro-newtons per square meter).

Display publicly – The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than hard core material are on display to the public.

Distinguished or characterized by their emphasis upon – 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.

Dormer – A windowed wall area flanked on both sides by sloping roof areas.

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Section 20200 – Definitions (Continued)

Dwelling, Room House (Boarding House, Lodging House, Dormitory) – A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Easement – Authorization by a property owner for the use by another, and for a specified purpose, of any designed part of his property.

Eave – The projecting edges of a roof overhanging the wall of a building.

Emergency – Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency Signal Device – Any audible warning device, such as a gong, whistle or siren or any air horn or any similar device.

Emergency Work – Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Essential Services – The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Establishment – Any business regulated by this Resolution

Family – One or more related persons occupying a single dwelling unit.

Farm – See Section 5713.30(A) of the Ohio Revised Code.

Farm Market – A building or structure designed or used or intended to be used for the display and / or sale of produce, raised on farms owned or operated by the farm market operator.

Farm Pond – A body of water, smaller than a lake (less than 5 acres), located on a farm.

Fence - An artificially constructed barrier of wood, masonry, stone, wire, metal, vinyl, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

Fence, barbed wire – One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals. The term “barbed wire” as used herein excludes razor ribbon.

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Section 20200 – Definitions (Continued)

Fence, chain link – An open mesh fence made entirely of wire woven in squares of approximately 1.5 inches with vertical supports not less than 1.5 inches in diameter spaced not less than six feet, and not more than eight feet, apart.

Fence, decorative – A designed open or solid fence or wall that meets all of the following: (a) It contributes to the identification and beauty of the principal use; (b) It is not erected to satisfy any other provision of this code; (c) It does not act as a retaining structure; (e) It is not a privacy or stockade fence.

Fence, privacy – A fence no more than six feet in height intended to inhibit public view and provide seclusion. When viewed at right angles has less than sixty-six percent (66%) of its area open to light and air. Examples of privacy fences include but are not limited to:

1-(A) Basket weave or woven fences – Made of interwoven strips or slats of flexible material in which the pattern has the appearance of a “basket weave”.

2-(B) Louver or ventilating fences – Made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its plane.

3-(C) Board on board fence – A fence made of vertical wood planks supported by horizontal framing with the vertical planks usually mounted on alternating sides of the framing. The planks may or may not be placed with a space between.

4-(D) Stockade Fence – A fence made of board on board construction using rounded vertical planks with sharpened tops. The planks are usually placed with no space between.

Masonry walls

Fence, temporary – Fences erected for a specific function and limited time duration.

Fence height – The height above the horizontal property grade that represents not less than sixty percent (60%) of the property plane.

Fence, Decorative – A fence hedge used for decorative purposes only and not used to confine or enclose an area.

Fence, Functional – A barrier fence or hedge used to confine or enclose an area.

Fenestration – The design, proportioning and arrangement of windows and other exterior openings of a building.

Front façade – The exterior wall(s) of the principal residential building that faces the street from which the building takes access or is addressed. Where the front façade includes walls with different setbacks, that portion of a wall that is closest to the front of the lot, exclusive of garage walls, shall be the point used to determine the front façade.

Flood Plain – That land, including the flood fringe and the flood way subject to inundation by the regional flood.

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Section 20200 – Definitions (Continued)

Floor Area Of A Residential Building, Usable – The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use and attached garages, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

Floor, Area of a Non Residential Building (to be use in calculating parking requirements) – The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms.

Floor Area, Livable – The livable floor area in square feet of existing or proposed buildings or structures or additions thereto shall be computed by multiplying the outside horizontal dimensions with each floor of the livable area. Porches, carports, and similar structures shall not be considered in computing the total livable area.

Food Processing – The preparation, storage, or processing of food products; examples of these activities include bakeries, dairies, canneries, meat processing plants, and similar activities.

Forestry – The propagation and harvesting of forest trees.

Foundation, Permanent – A permanent perimeter masonry, concrete, or a locally approved footing or foundation to which a dwelling will be attached.

Garage, front loaded – A private residential garage that is accessed from a street other than an alley. A front-loaded garage may face the street (garage doors parallel to the street) or may turn its side to the street (garage doors perpendicular to the street, sometimes referred to as a “side-loaded” garage).

Gasoline Service Station – Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail.

Gross public floor area – The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled public), stage areas, aisles, hallways and entryways.

Hard core material – Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

Hazardous Waste – Those substances which, singly or in combination, pose a significant present or potential threat or hazard to human health or to the environment, and which, singly or in combination, require special handling, processing, or disposal, because they are or may be flammable, explosive, reactive, corrosive, toxic, infectious, carcinogenic, bioconcentrative, or persistent in nature, potentially lethal, or an irritant or strong sensitizer.

House model – Having different or unique exterior identification features to distinguish one house from another, through the use of exterior materials, including but not limited to elevations, material treatments, front façade placement of windows and doors, garage location and placement, rooflines, number of stories, and color.

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Section 20200 – Definitions (Continued)

Impulsive Sound – A sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

Incinerator – A furnace or other device used for burning trash or unwanted items or material.

Junk Yard – An establishment or place of business which is maintained or operated, or any other land used, for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. It shall also include scrap metal processing facilities which are located within one thousand feet of the nearest edge of the right-of-way of a highway or street.

Juvenile – An unmarried person under the age of eighteen.

Kenel – Any lot or premise on which dogs, cats, or other household pets are boarded, bred, or exchanged for monetary compensation.

Lake – A body of fresh water of considerable size, surrounded by land.

Landfill, Sanitary – A land disposal site employing a method of disposing of solid wastes on land in a manner intended to minimize environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material daily.

Licensed professional massage studio – An establishment offering massage therapy and/or body work by a massage therapist licensed under the Ohio Revised Code or under the direct supervision of a licensed physician.

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Section 20200 – Definitions (Continued)

Lighting related definitions –

- a-(A) Canopy structure: Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
- b-(B) Fixture: The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.
- c-(C) Foot-candle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
- d-(D) Glare: Direct light emitted by a luminaire that causes reduced vision or momentary blindness.
- e-(E) Illuminance: The level of light measured at a surface.
- f-(F) Lamp: The component of a luminaire that produces the light.
- g-(G) Light direct: Light emitted directly by a lamp, off a reflector, or through a refractor of a luminaires.
- h-(H) Light emitting surface: Any part of a fixture (lamp, diffuser) which emits light rays.
- i-(I) Light pollution: General sky glow caused by the scattering of artificial light in the atmosphere, much of which is caused by poorly-designed luminaires.
- j-(J) Light shield: Any attachment which interrupts and blocks the path of light emitted from a luminaire or fixture.
- k-(K) Light trespass: Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.
- l-(L) Lumen: A unit of measurement of luminous flux.
- m-(M) Luminaire: The complete lighting system, including the lamp and the fixture.
- n-(N) Luminaire full cutoff: A luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part.
- o-(O) Luminaire permanent outdoor: Any fixed luminaire or system of luminaires that is outdoors and this is intended to be used for seven (7) days or longer.
- p-(P) Outdoor light fixtures: Outdoor artificial illuminating devices, installed or portable, used for floodlighting, general illumination, or advertisement.
- q-(Q) Roadway lighting: Permanent outdoor luminaires that are specifically intended to illuminate roadways for automotive vehicles.
- r-(R) Standard methods: Methods of measurement established by a nationally recognized Board.

Lingerie modeling studio – An establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 600 square feet.

Litter – Garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public property, private property, or in or on waters of the state.

Live entertainment – On site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

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Section 20200 – Definitions (Continued)

Loading Space, Off-Street – Space logically and conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

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Lot – A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area for one principal building together with its accessory building and which provides such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of: a single lot of record; a portion of a lot of record; a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

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Lot Coverage – The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

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Lot Frontage – The front of a lot shall be construed to be the portion at the street or road right-of way line. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets or road right-of way lines shall be considered frontage, and yards shall be provided as indicated under “Yard” in this section. (Also see Lot Measurement, Width)

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Lot, Minimum Area of – The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

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Lot Measurements – A lot shall be measured as follows:

(A) Lot Depth – The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and rear most points of the side lot lines in the rear. No lot containing ten (10) acres or less shall have an average depth that is more than three (3) times its width measured at the road right-of-way line.

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(B) Lot Width – The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the street or road right of way line, except on cul-de-sac streets where it is measured at the setback line. (Also see Lot Frontage) For lots containing ten (10) acres or less in area, the actual distance between the side lot lines at any point along the lot depth cannot be less than eighty (80%) percent of the required Lot Frontage. For lots containing more than ten (10) acres, said lot shall comply with road frontage requirements.

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Lot of Record – A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

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Section 20200 – Definitions (Continued)

Lot Types – Terminology used in this Resolution with reference to corner lot, interior lots and through lots is as follows:

- (A) Corner Lot – A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- (B) Interior Lot – A lot with only one frontage on a street
- (C) Through Lot – A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- (D) Reversed Frontage Lot – A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Major Thoroughfare Plan – The portion of the comprehensive plan adopted by the Board of County Commissioners indicating the general location recommended for arterial, collector, and the local thoroughfares within the appropriate jurisdiction.

Manufacturing, Heavy – Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, dust, glare, air pollution, odor, but not beyond the district boundary to any large extent.

Manufacturing, Light – Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic and no major nuisances.

Material, Adult – Any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound or touch.

Mining, Commercial Quarries, Sand and Gravel Pits – Any mining, quarrying or processing of limestone, clay, sand and gravel or other mineral resources. Also referred to as mineral extraction.

Manufactured Home Park – Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

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Section 20200 – Definitions (Continued)

Media – Anything printed or written, or any picture, drawing, photograph, motion picture, film, video, DVD, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is used or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMs, other magnetic or digital media, and undeveloped pictures.

Media shop or store, mainstream – A general term, identifying a category of business that sells and displays publicly various forms of media, at least 90% of which is not hard core material. A maximum of 10 % of the products sold may constitute hard core material, provided that any hard core materials are placed within an enclosed space, where entrance is limited to adult patrons only and where the hard core material is not displayed publicly.

Mobile Source – Any moving sound source on a public right-of-way.

Motorcycle – Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a trailer.

Motor Vehicle – Any vehicles which are propelled or drawn by mechanical equipment, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, minibikes, go-carts, snowmobiles, mopeds, amphibious craft on land, dune buggies, all-terrain vehicles or racing vehicles.

Motor Vehicle Salvage Facility – Any establishment or place of business which is maintained, used, or operated for buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

Neighborhood identity feature – A place for gathering or recreation, or a design feature or features intended to create a unique character or sense of identity in single-family and two-family, multifamily or mixed use developments.

Net Developable Area – That area after deducting from the gross acreage:

- (A) 15% of the gross acreage for streets and utilities;
- (B) Jurisdictional wetlands as defined in US Army Corps of Engineers' Corps of Engineers Wetlands Delineation Manual;
- (C) Floodplains within a FEMA 100-year floodplain;
- (D) Slopes greater than 20%, including ravines;
- (E) Utility rights of way and easements for above-ground and currently existing utility structures, such as above ground pipelines and existing overhead electric transmission (not local service) wires;
- (F) Existing bodies of water.

Nighttime – Those hours excluded from the definition of "daytime."

Noise – Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological effect on humans.

Noise Disturbance - Any sound which (a) endangers or injures the safety or health of humans or animals; or (b) annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property; or (d) exceeds the applicable maximum permissible sound levels as they appear in the table in subsection 4 of this section.

Noise Sensitive Zone – Any area designated for the purpose of ensuring exceptional quiet and shall include schools and churches while the same are in use, any hospital and any nursing home; provided, that conspicuous signs are displayed on the exterior realty of any such school, church, hospital or nursing home which clearly notifies a member of the general public of its use.

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Non-Conformities – A building, structure or use of land existing at the time of enactment of this Resolution and which does not conform to the regulations of the district or zone in which it is situated.

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Section 20200 – Definitions (Continued)

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.

Nudity, Nude or State of Nudity – The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

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:

(A) ~~(a)~~ By a college or university supported entirely or partly by taxation;

(B) ~~(b)~~ 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;

(C) ~~(c)~~ In a structure to which all of the following apply:

(1) ~~(i)~~ It 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.

(2) ~~(ii)~~ In order to participate in a class in the structure, a student must enroll at least three days in advance of the class.

(3) ~~(iii)~~ Not more than one nude or seminude model is on the premises at any one time.

Nuisance – A building or property that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. A nuisance could constitute an offensive activity on a property that reduces the property value of neighboring properties or results in a lessening of normal use and enjoyment to neighboring properties. Examples include, noise, junk, automobile storage, accumulation of rodents and/or insects or mosquitoes, rubbish, refuse, and debris.

Nursery, Nursing Home – A home or facility for the care and treatment of babies, children, pensioners or elderly people.

Nursery, Tree & Plant – A place where young trees or other plants are raised for transplanting and/or for sale.

Nursing Home – A home or facility for the care and treatment of pensioners or elderly people.

Offices – Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, clerical, drafting, etc. Institutional offices of a charitable, philanthropic, financial or religious or educational nature are also included in this classification.

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Section 20200 – Definitions (Continued)

Opacity – The percentage of which the view of a structure or use is left unobstructed.

Open Space – An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts, and other recreational facilities that the Zoning Commission deems permissible. Streets, parking areas, structures for habitation, and the like shall not be included. Such land that shall not be developed other than for recreational purposes and may be classified as “Maintained Passive Open Space”, “Unmaintained Passive Open Space” and “Recreational Open Space”. Open Space may be owned by a homeowners or condominium association, by the township or other government agency or public body, or by a third party not-for-profit organization.

(A) Common Open Space: Open space that is for use by the public at large or limited public use.

(B) Maintained Passive Open Space: Open space area which is designed or well-suited for passive recreation or aesthetic effect, including but not limited to open fields and meadows which are to be mowed and maintained by the owner or responsible party. Within such areas, trees and vegetation may be planted and structures not incompatible with such purposes may be erected if approved within the development plan. Walking and bike paths may also be permitted. Such Open Space shall not be included within an individual residential lot.

(C) Private Open Space: Open space that is under the control of a private individual, corporation or other non-public entity or is held for the private use and enjoyment of a private individual, corporation or other non-public entity.

(D) Public Open Space: Open space that is either under the control of a public body, such as a unit of government, and or that is held for the use and enjoyment of the public at large.

(E) Recreational Open Space: Open space area which is designed or well-suited for active recreation, including but not limited to: baseball and soccer fields; jogging, walking and bike paths; playgrounds; outdoor swimming pools; shelter houses and picnic grounds; basketball and volleyball courts; and skating parks. Such Recreational Open Space shall not include private golf courses or commercial sports fields or stadiums or land owned by a public school board. Such Open Space shall not be included within an individual residential lot. Such open space shall be mowed and maintained by the owner or responsibility party.

(F) Unmaintained Passive Open Space: Undeveloped open space area which functions to: preserve a site’s natural amenities; provide a cover for wildlife; and preserve scenic views, jurisdictional wetlands, floodplains or ravines. Unmaintained Passive Open Space shall be restricted in perpetuity from development with buildings, structures or uses and shall be preserved in its natural state. Within areas designated as Unmaintained Passive Open Space, the natural resources shall remain undisturbed and no topsoil, clay, sand, gravel, rock or minerals shall be excavated or removed therefrom and nothing shall be permitted to occur thereon which would contribute to the erosion of the land and no trees or vegetation shall be cut or removed therefrom except dead, diseased or decayed trees or vegetation as may be required for conservation or scenic purposes or for reasons of public safety. No private encroachment shall occur within such Unmaintained Passive Open Space including but not limited to: the planting of flowers, shrubs, or other garden materials; dumping of trash, refuse, yard waste or debris; or the installation of any type of recreational equipment or other similar facility or convenience. No dumping or burning of refuse, trash, debris or yard waste shall occur in such Open Space. No hunting or trapping shall occur in such Open Space. No roadway nor any facility of any public utility other than existing roadways and public facilities designated in the development plan shall be constructed or installed therein, and no existing roadway or public utility facility shall be extended or enlarged within such area. Designation of such area shall not be interpreted to interfere with or detract from the use of such Open Space by the owner and their successors in interest for all purposes not inconsistent with the provisions herein. It is the intent of the designation of such Open Space to restrict and prohibit any activity or use which would, as a natural consequence of such, impede or make more difficult the accomplishment of the purpose for which such Unmaintained Passive Open Space is created. Such Open Space shall not be included within an individual residential lot

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Common Open Space: Open space that is for use by the public at large or limited public use. For purposes of this Zoning Resolution, the above are defined as follows:

"Open Space" means land that shall not be developed for other than recreational purposes and may be classified as "Maintained Passive Open Space", "Unmaintained Passive Open Space" and "Recreational Open Space". Open Space may be owned by a homeowners or condominium association, by the township or other government agency or public body, or by a third party not for profit organization.

"Maintained Passive Open Space" means open space area which is designed or well suited for passive recreation or aesthetic effect, including but not limited to open fields and meadows which are to be mowed and maintained by the owner or responsible party. Within such areas, trees and vegetation may be planted and structures not incompatible with such purposes may be erected if approved within the development plan. Walking and bike paths may also be permitted. Such Open Space shall not be included within an individual residential lot.

"Recreational Open Space" means open space area which is designed or well suited for active recreation, including but not limited to: baseball and soccer fields; jogging, walking and bike paths; playgrounds; outdoor swimming pools; shelter houses and picnic grounds; basketball and volleyball courts; and skating parks. Such Recreational Open Space shall not include private golf courses or commercial sports fields or stadiums or land owned by a public school board. Such Open Space shall not be included within an individual residential lot. Such open space shall be mowed and maintained by the owner or responsibility party.

"Unmaintained Passive Open Space" means undeveloped open space area which functions to: preserve a site's natural amenities; provide a cover for wildlife; and preserve scenic views, jurisdictional wetlands, floodplains or ravines. Unmaintained Passive Open Space shall be restricted in perpetuity from development with buildings, structures or uses and shall be preserved in its natural state. Within areas designated as Unmaintained Passive Open Space, the natural resources shall remain undisturbed and no topsoil, clay, sand, gravel, rock or minerals shall be excavated or removed therefrom and nothing shall be permitted to occur thereon which would contribute to the erosion of the land and no trees or vegetation shall be cut or removed therefrom except dead, diseased or decayed trees or vegetation as may be required for conservation or scenic purposes or for reasons of public safety. No private encroachment shall occur within such Unmaintained Passive Open Space including but not limited to: the planting of flowers, shrubs, or other garden materials; dumping of trash, refuse, yard waste or debris; or the installation of any type of recreational equipment or other similar facility or convenience. No dumping or burning of refuse, trash, debris or yard waste shall occur in such Open Space. No hunting or trapping shall occur in such Open Space. No roadway nor any facility of any public utility other than existing roadways and public facilities designated in the development plan shall be constructed or installed therein, and no existing roadway or public utility facility shall be extended or enlarged within such area. Designation of such area shall not be interpreted to interfere with or detract from the use of such Open Space by the owner and their successors in interest for all purposes not inconsistent with the provisions herein. It is the intent of the designation of such Open Space to restrict and prohibit any activity or use which would, as a natural consequence of such, impede or make more difficult the accomplishment of the purpose for which such Unmaintained Passive Open Space is created. Such Open Space shall not be included within an individual residential lot.

Orchards – An area of land devoted to the cultivation and sale of fruit trees and the sale of the fruit there from.

Original Tract – A contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners since the enactment of this Resolution.

Oriented – To locate or place a building or structure in a particular direction on a lot or site which shall generally be parallel to the adjacent street.

Parapet – That portion of an exterior wall that rises above the roof.

Parking Space, Off-Street – For the purpose of this Resolution an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public

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street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

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Pedestrian plaza – An open space that may be improved, landscaped, or paved usually surrounded by buildings or streets and available for pedestrian use.

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Perimeter fences and walls – Those structures used for screening purposes, which shall be designed to be compatible with the related principal structures or buildings on site, including the same or similar colors and materials used on the related principal structures or buildings. Such screen walls shall not be continued for longer than fifty (50) feet without variation by using changes in height, different material combinations, offset angles, or articulation and shall include similar changes along the top of the wall.

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Performance Bond (aka Surety Bond) – An agreement by a sub-divider or developer with the Board of Township Trustees for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the sub-divider's agreement.

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Performance - Any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

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Section 20200 – Definitions (Continued)

Personal Services – Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, florists, beauty parlors and similar activities.

Pilaster – A shallow rectangular feature projecting from a wall, having a top and base and architecturally treated as a column.

Pocket Park – A park between one-half (1/2) and five (5) acres in size either municipally or privately owned, located internal to developments and providing active or passive recreational opportunities for the residents or business employees and customers of the development.

Pond – Any man made structure in which water is impounded by constructing a dam or embankment or by excavating a pit or dugout. Ponds include retention basins designed to permanently hold water, but does include detention basins designed for short-term water containment. Landscape water features less than one hundred and fifty (150) square feet are also not included.

Pool Barrier – A fence, wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

Porch – A covered platform, usually having a separate roof, at an entrance to a dwelling, an open gallery or room, which is not heated or cooled, and that is attached to the outside of a building.

Portico – A porch having a roof supported by columns, often leading to the entrance of a building.

Porte Cochere – A porch, supported by columns, large enough for wheeled vehicles to pass through.

Primary Conservation Area – (a) Any land lying within the bounds of Zone A of a FEMA flood plain map (100 year flood zone), but no less than twenty-five (25) feet from the stream bank of any perennial (water flow most, >50% of the year) stream; (b) Any wetland of one (1) acre or greater in size; (c) Any woodlot of one (1) acre or greater in size; or (d) Any area within 100 feet of the property line of a working agricultural enterprise (qualifying for CAUV).

Printing and Publishing – Any business which is engaged in the printing and/or publishing of newspapers, magazines, brochures, business cards and similar activities either for profit or non-profit.

Prostitute – A male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.

Public Service Facility – The erection, construction, alteration, operation or maintenance of buildings, power plants, substations, water treatment plant or pump station, sewage disposal plant or pump station, communications facilities and/or equipment, electrical, gas, water and sewage service, sanitary landfills and other similar public service structures or facilities whether publicly or privately owned.

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Section 20200 – Definitions (Continued)

Public Uses – Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Public Way – An alley, bridge, channel, ditch, easement, expressway, freeway, highway, land, road, sidewalk, street, walk, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

Quasi-public Use – Churches and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

Real Property Boundary – An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but it does not include intra-building real property division.

Recreation, Commercial – Any business which is operated as a recreational enterprise, either publicly or privately owned, for profit. Examples include, but are not limited to: golf courses, bowling alleys, swimming pools, hunt clubs, campgrounds, tourist attractions, etc.

Recreation, Non-commercial – Any business which is operated as a recreational enterprise, either publicly or privately owned, non-profit. Examples include, but are not limited to: fishing areas, parks, archery ranges, etc.

Recreational Vehicle – A vehicular portable structure that is designed to be used as a temporary dwelling for travel, recreation, and vacation and may be classed as follows. This list is for example only and not meant to be all inclusive:

4-(A) Travel trailer – A non-self-propelled recreational vehicle that does not exceed an overall length of 35 feet, exclusive of bumper and tongue or coupling, and contains less than 320 square feet of space when erected on site. "Travel Trailer" includes a tent type fold out camping trailer as defined in section 4517.01 of the ORC.

2-(B) Motor Home – A self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleep.

3-(C) Truck Camper – A non-self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and enables them to be used as a dwelling.

4-(D) Fifth Wheel Trailer – A vehicle that is of such size and weight as to be moveable without a special highway permit, that has a gross trailer area of 400 sq. feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.

5-(E) Park Trailer – A vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute standard A119.5 (1998) for park trailers, is built on a single chassis, has a gross trailer area of 400 sq. feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities for the operation of installed features and appliances.

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Section 20200 – Definitions (Continued)

Recreational Vehicle Park – A parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recreational Vehicle Site – A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Reflective materials – Any material that returns light, glare, or radiant heat after striking the surface of that material.

Refuse – Combustible and/or non-combustible waste materials.

Regularly features or regularly shown – 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.

Research, Development and Testing – Establishments, structures, facilities and areas devoted to research, product development and scientific testing whether in connection with the development of new products, the discovery of causes of product failure or malfunction, and specifically including without limitation the conduct of research, development and testing concerning; automotive, vehicular and other forms of transportation; engines, power products and equipment; production equipment; production equipment; any and all other processes related to any of the foregoing; and improved highway facilities for vehicular traffic.

Rib – Any of several members supporting an arch, defining its surfaces or dividing these surfaces into panels.

Right-of-Way (ROW) – A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features required by the topography or treatment (such as grade separation, landscaped areas, viaducts, and bridges).

Rubbish / Trash – Combustible and noncombustible waste materials including the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Salvage Motor Vehicle – Any motor vehicle which is in a wrecked, dismantled, or worn out condition, or unfit for operation as a motor vehicle.

Scale – The proportional relationship of the size of the building or structure to its surroundings.

Seat – For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

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Section 20200 – Definitions (Continued)

Secondary Conservation Area – (a) Any land within the 500 year flood zone as shown on a FEMA flood plain map, but no less than twenty-five feet from the stream bank of any intermittent stream (water flow 25%-50% of the year); (b) Any wetland of one-fourth to one (1/4 to 1) acre in size.; (c) Any woodlot of one-fourth to one (1/4 to 1) acre or greater in size; (d) Any tree of 100 years of age or more - The area covered by the canopy of any tree of more than two (2) feet in diameter, measured at six (6) feet above the soil line; or (e) Any natural or historic feature that exists on the parcel, as identified by the Zoning Commission, or if on an adjacent parcel, determined to be potentially adversely affected.

Semi-trailer / Sea-land Containers – A vehicle designed or used for carrying persons or property with another separate motor vehicle, so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. A semi-trailer shall not be used for storage, advertising, business, or residence.

Setback Line – A line established by the Zoning Resolution generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code.

Sexual activity - Sexual conduct or sexual contact, or both.

Sexual conduct – Vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

Sexual contact – Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

Sexual Excitement – The condition of human male or female genitals when in a state of sexual stimulation or arousal.

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.

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:

(A) ~~(a)~~ Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.

(B) ~~(b)~~ 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 Revised Code, is not a "sexual encounter establishment."

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Section 20200 – Definitions (Continued)

Specified Anatomical Areas – The cleft of the buttocks, anus, male or female genitals, or the female breast.

Specified sexual activity – Any of the following:

(A) ~~(1)~~ Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation, or sodomy;

(B) ~~(2)~~ Excretory function as part of the activities described in subpart (1) of the definition of “Specified Sexual Activity”.

Sewers, Central or Group – An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sewers, On-Site – A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sidewalk – That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Sign – Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

Sign, On-Premises – Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.

Sign-Off-Premises – Any sign unrelated to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.

Sign, Illuminated – Any sign illuminated by electricity, gas, or other artificial light including reflection or phosphorescent light.

Sign, Lighting Device – Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

Sign, Ground – A display sign supported by uprights or braces in or upon the ground surface.

Sign, Marquee – A display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.

Sign, Pole – Any sign which is erected on a pole or poles, which is wholly or partially independent of any building for support.

Sign, Projecting – A display sign which is attached directly to the building wall and which extends more than fifteen inches from the face of the wall.

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Section 20200 – Definitions (Continued)

Stick-Built – A way of describing any structure built from board of lumber and other building materials, in which a substantial amount of the required material and construction labor are bought together in the final form at the foundation site.

Storage Facility – A structure which is partially open or fully enclosed in which animals, chattels or property are stored or kept.

Story – That part of a building between the surface of a floor and the ceiling immediately above.

Structure – Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

Subdivision

(A) 1. – The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners where such sale or exchange does not create additional building sites, shall be exempted; or

(B) 2. – The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

Subdivision, Minor – A subdivision approved by the Union County Engineer's Office and the Regional Planning Commission's designated representative which does not require a plat and which is in conformance with the provisions of the Union County Subdivision Regulations.

Supply Yards – A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

Surety Bond – See Performance Bond.

Swimming Pool – A pool, pond, lake, or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager. Farm ponds are exempt from this definition.

Private Swimming Pool – Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel, and accessory use.

Community Swimming Pool – Operated with a charge for admission; a primary use.

Telecommunication Tower – Any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure.

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Section 20200 – Definitions (Continued)

Thoroughfare, Controlled or Limited Access – A thoroughfare on the interstate highway system, or any other thoroughfare which is so designed as to carry large volumes of through traffic and preclude traffic flow interruptions normally resulting from turning and stopped traffic. Controlled or limited access thoroughfares have no grade crossings and utilize exit and entrance ramps, bridges, merge and exit lanes, and other design features to accomplish unimpeded traffic flow, and are not intended to provide direct access to abutting property. Controlled or limited access thoroughfares shall not be construed as providing lot frontage as required by these Regulations.

Thoroughfare, Major or Secondary – An officially designated Federal or State numbered highway or County or other road designated as a major thoroughfare by the Union County Engineer, or a County or other road designated as a secondary thoroughfare.

Toxic or Hazardous Material – Any substance or mixture by physical characteristic such as flammability, corrosivity, toxicity, reactivity, or infectious characteristics as to pose, a significant or potential hazard to water supplies or human health if such substances were discharged to land or waters of the community or township.

Transient Lodgings – A building in which lodging or boarding are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined. Examples include: hotel, motel, apartment hotel, or Bed & Breakfast

Transport Terminals – Any business, structure or premise which primarily receives or distributes goods.

Travel Trailer – A non-self propelled recreational vehicle that does not exceed an overall length of thirty five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred and twenty (320) square feet when erected on site. "Travel trailer" continues to include a tent-type fold-out camping trailer as defined in section 4517.01 of the Ohio Revised Code. A travel trailer is designed to be used as temporary (not more than 90 days) and shall not be used as a residential dwelling.

Through Lot – See Lot Types.

Transportation, Director of – The Director of the Ohio Department of Transportation.

Touching Business – Any adult entertainment establishment that encourages and / or allows physical contact between patrons and employees for the purpose of sexual gratification or stimulation.

Use – The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance – A variance is a modification of the strict terms of the relevant regulations which such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Veterinary Animal Hospital or Clinic – 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 on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

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Section 20200 – Definitions (Continued)

Vicinity Map – A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in questions.

Walkway – A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

Waste, Construction and/or Demolition – Material from construction or demolition operations are those items affixed to the structure being constructed or demolished, such as brick, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring, and insulation material.

Weekday – Any day of the week (Monday through Friday) that is not a legal holiday.

Wholesale and Warehouse – Business establishments that generally store and sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

Yard – A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front – A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

Yard, Rear – A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

Yard, Side – A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning Certificate – A document issued by the Zoning Administrator authorizing the occupancy or use of a building or structure or the actual use of lots or land in accordance with the previously issued Zoning Permit.

Zoning Permit – A document issued by the Zoning Administrator authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

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Appendix A – Tree Lists

Preferred / Desired Tree List - Group A – Large

Common Name	Scientific Name
Bald Cypress	Taxodium distichum
Black Gum (Black Tupelo)	Nyssa sylvatica
Bur Oak	Quercus macrocarpa
Chinkapin Oak	Quercus muehlenbergii
Freemani Maple	Acer x freeman
Ginkgo (male)	Ginkgo bilboa
Hybrid Elm	Ulmus x spp.
Japanese Pagodatree	Sophora japonica
Katsuratree	Cercidiphyllum japonica
Kentucky Coffeetree	Gymnocladus dioicus
Lacebark Elm	Ulmus parvifolia
Norway Maple	Acer platanoides
Red Maple (Native)	Acer rubrum
Red Oak	Quercus rubra
Sassafras	Sassafras albinum
Shingle Oak	Quercus imbricaria
Shumard Oak	Quercus shumardii
Silver Linden	Tilia tomentosa
Sugar Maple	Acer saccharum
Swamp White Oak	Quercus bicolor
Sweetgum (northern seed source)	Liquidambar styraciflua
Turkish Filbert	Corylus colurna

Preferred / Desired Tree List - Group B – Medium

Common Name	Scientific Name
Amur Corktree	Phellodendron amurense
Hedge Maple	Acer campestre
Honeylocust	Gleditsia tricanthos var. inermis
Purpleglow Maple (Shantung Maple)	Acer truncatum
Sargent Cherry	Prunus sargentii
Sawtooth Oak	Quercus acutissima

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Appendix A – Tree Lists (Continued)

Preferred / Desired Tree List - Group C – Small

Common Name	Scientific Name
"Autumnalis" Cherry	Prunus subhirtella var. autumnalis
Flowering Dogwood	Malus spp.
Japanese Tree Lilac	Syringa reticulata
Kousa Dogwood	Corus kousa
Serviceberry	Amelanchier aborea
Apple Serviceberry	Amelanchier x grandiflora
Thornless Hawthorn	Crataegus crusgalli var. inermis

Other species not on these lists must be approved by the Zoning Administrator.

Non-Desirable Tree List

Common Name	Scientific Name
Box Elder	Acer negundo
Silver Maple	Acer saccharinum
Buckeye, Horsechestnut	Aesulus species
Tree of Heaven	Ailanthus alrissima
Paper Birch	Betula papyifera
European White Birch	Betula pendula
Northern Catalpa	Catalpa speciosa
Ginko (female)	Ginko biloba
Osage – Orange	Machura ponifera
Apple	Malus punila
Mulberry	Morus species
Poplar	Populus species
Bradford Pear	Pyrus calleryana "Bradford"
Upright English Oak	Quercus robur "fastigiata"
Black Locust	Robinia pseudoacacia
Willow	Salix species
European Mountain Ash	Sorbus aucuparia
Moline American Elm	Ulmus Americana "Moline"
Siberian Elm	Ulmus pumila
Green Ash	Fraximus pennsylvanica
White Ash	Fraxinus americana

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List Paragraph, Indent: Left: 0 pt, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 18 pt + Indent at: 36 pt

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List Paragraph, Indent: Left: 0 pt, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 18 pt + Indent at: 36 pt

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List Paragraph, Indent: Left: 0 pt, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 18 pt + Indent at: 36 pt

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List Paragraph, Indent: Left: 0 pt, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 18 pt + Indent at: 36 pt

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Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 18 pt + Indent at: 36 pt

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Page 91: [108] Formatted Clase 8/29/2010 8:51:00 PM

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List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 18 pt + Indent at: 36 pt

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List Paragraph, Indent: Left: 36 pt, Hanging: 18 pt, Numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 99 pt + Indent at: 108 pt

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List Paragraph, Indent: Left: 0 pt, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 18 pt + Indent at: 36 pt

Page 1: [119] Formatted	Clase	8/15/2010 2:45:00 PM
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List Paragraph, First line: -1.8 ch, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0 pt + Indent at: 18 pt

Page 93: [121] Formatted	Clase	8/29/2010 8:56:00 PM
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List Paragraph, Indent: Left: 18 pt, Numbered + Level: 8 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 252 pt + Indent at: 270 pt

Page 93: [122] Formatted	Clase	8/29/2010 8:56:00 PM
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List Paragraph, First line: -1.8 ch, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0 pt + Indent at: 18 pt

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List Paragraph, Indent: Left: 18 pt, Numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 36 pt + Indent at: 54 pt

Page 93: [124] Formatted	Clase	8/29/2010 8:58:00 PM
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List Paragraph, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0 pt + Indent at: 18 pt

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List Paragraph, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0 pt + Indent at: 18 pt

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List Paragraph, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0 pt + Indent at: 18 pt

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List Paragraph, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0 pt + Indent at: 18 pt

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List Paragraph, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0 pt + Indent at: 18 pt

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List Paragraph, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0 pt + Indent at: 18 pt

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List Paragraph, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0 pt + Indent at: 18 pt

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List Paragraph, Indent: Left: 18 pt, Numbered + Level: 8 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 288 pt + Indent at: 306 pt

Page 95: [133] Formatted	Clase	8/29/2010 9:12:00 PM
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List Paragraph, Indent: Left: 18 pt, Numbered + Level: 8 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 288 pt + Indent at: 306 pt

Page 95: [134] Formatted	Clase	8/29/2010 9:12:00 PM
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List Paragraph, Indent: Left: 18 pt, Numbered + Level: 8 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 288 pt + Indent at: 306 pt

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Page 1: [136] Formatted	Clase	8/15/2010 2:44:00 PM
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Page 1: [137] Formatted	Clase	8/15/2010 2:44:00 PM
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List Paragraph, Indent: Left: 18 pt, Numbered + Level: 8 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 288 pt + Indent at: 306 pt

Page 96: [141] Formatted	Clase	8/29/2010 9:12:00 PM
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List Paragraph, Indent: Left: 18 pt, Numbered + Level: 8 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 288 pt + Indent at: 306 pt

Page 96: [144] Formatted	Clase	8/29/2010 9:12:00 PM
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List Paragraph, Indent: Left: 18 pt, Numbered + Level: 8 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 288 pt + Indent at: 306 pt

Page 96: [147] Formatted	Clase	8/29/2010 9:12:00 PM
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List Paragraph, Indent: Left: 18 pt, Numbered + Level: 8 + Numbering Style: 1, 2, 3, ... + Start at: 1 +

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List Paragraph, Indent: Left: 18 pt, Numbered + Level: 8 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 288 pt + Indent at: 306 pt

Page 96: [153] Formatted Clase 8/29/2010 9:12:00 PM

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Page 96: [155] Formatted Clase 8/29/2010 9:12:00 PM

List Paragraph, Indent: Left: 18 pt, Numbered + Level: 8 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 288 pt + Indent at: 306 pt

Page 96: [156] Formatted Clase 8/29/2010 9:12:00 PM

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Page 96: [158] Formatted Clase 8/29/2010 9:12:00 PM

List Paragraph, Indent: Left: 18 pt, Numbered + Level: 8 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 288 pt + Indent at: 306 pt

Page 96: [159] Formatted Clase 8/29/2010 9:12:00 PM

Indent: Left: 0 pt

Page 96: [160] Formatted Clase 8/29/2010 9:12:00 PM

List Paragraph, Indent: Left: 18 pt, Numbered + Level: 8 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 288 pt + Indent at: 306 pt

Page 96: [161] Formatted Joe Class 12/14/2010 12:44:00 AM

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Page 96: [162] Formatted Joe Class 12/14/2010 12:44:00 AM

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Page 96: [163] Formatted Clase 8/29/2010 9:12:00 PM

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Page 96: [164] Formatted Joe Class 12/14/2010 12:44:00 AM

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Page 96: [165] Formatted Clase 8/29/2010 9:12:00 PM

List Paragraph, Indent: Left: 18 pt, Numbered + Level: 8 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 288 pt + Indent at: 306 pt

Page 96: [166] Formatted Clase 8/29/2010 9:12:00 PM

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Page 96: [167] Formatted Joe Class 12/14/2010 12:44:00 AM

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Page 96: [168] Formatted Clase 8/29/2010 9:12:00 PM

Indent: Left: 0 pt

Page 96: [170] Formatted Joe Clase 12/14/2010 12:44:00 AM

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Page 96: [171] Formatted Clase 8/29/2010 9:12:00 PM

List Paragraph, Indent: Left: 18 pt, Numbered + Level: 8 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 288 pt + Indent at: 306 pt

Page 96: [172] Formatted Clase 8/29/2010 9:12:00 PM

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Page 96: [173] Formatted Joe Clase 12/14/2010 12:44:00 AM

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Page 96: [174] Formatted Clase 8/29/2010 9:12:00 PM

List Paragraph, Indent: Left: 18 pt, Numbered + Level: 8 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 288 pt + Indent at: 306 pt

Page 96: [175] Formatted Clase 8/29/2010 9:12:00 PM

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Page 96: [177] Formatted Clase 8/29/2010 9:12:00 PM

List Paragraph, Indent: Left: 18 pt, Numbered + Level: 8 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 288 pt + Indent at: 306 pt

Page 96: [178] Formatted Joe Clase 12/14/2010 12:44:00 AM

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List Paragraph, Indent: Left: 0 pt, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 18 pt + Indent at: 36 pt

Page 96: [181] Formatted Joe Clase 12/14/2010 12:44:00 AM

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Page 1: [182] Formatted Clase 8/15/2010 2:45:00 PM

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Page 97: [183] Formatted Clase 8/29/2010 9:18:00 PM

List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 18 pt + Indent at: 36 pt

Page 1: [184] Formatted Clase 8/15/2010 2:45:00 PM

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Page 102: [185] Formatted Clase 8/29/2010 9:37:00 PM

List Paragraph, Indent: Left: 0 pt, Numbered + Level: 2 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 54 pt + Indent at: 72 pt

Page 102: [186] Formatted Clase 8/29/2010 9:37:00 PM

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List Paragraph, Indent: Left: 0 pt, Numbered + Level: 2 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 54 pt + Indent at: 72 pt

Page 102: [188] Formatted Class 8/29/2010 9:38:00 PM

List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 18 pt + Indent at: 36 pt

Page 102: [189] Formatted Class 8/29/2010 9:38:00 PM

List Paragraph, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 18 pt + Indent at: 36 pt

Page 102: [190] Formatted Class 8/29/2010 9:38:00 PM

List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 18 pt + Indent at: 36 pt

Page 102: [191] Formatted Class 8/29/2010 9:40:00 PM

List Paragraph, Indent: Left: 0 pt, Numbered + Level: 2 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 90 pt + Indent at: 108 pt

Page 102: [192] Formatted Class 8/29/2010 9:40:00 PM

List Paragraph, Indent: Left: 0 pt, Numbered + Level: 2 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 90 pt + Indent at: 108 pt

Page 1: [193] Formatted Class 8/15/2010 2:45:00 PM

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Page 1: [194] Formatted Class 8/15/2010 2:44:00 PM

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Page 106: [197] Formatted Class 8/29/2010 10:24:00 PM

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Page 106: [200] Formatted Class 8/29/2010 11:22:00 PM

List Paragraph, Indent: Left: 0 pt, First line: -1.8 ch, Numbered + Level: 8 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 270 pt + Indent at: 288 pt

Page 106: [201] Formatted Joe Class 12/14/2010 12:45:00 AM

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Page 106: [220] Formatted Joe Clase 12/13/2010 11:31:00 PM

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Page 106: [222] Formatted Clase 8/29/2010 11:22:00 PM

List Paragraph, Indent: Left: 0 pt, First line: -1.8 ch, Numbered + Level: 8 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 270 pt + Indent at: 288 pt

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Page 106: [224] Formatted Joe Clase 12/14/2010 12:45:00 AM

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Page 1: [238] Formatted Clase 8/15/2010 2:45:00 PM

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Page 123: [239] Formatted Clase 8/29/2010 11:21:00 PM

List Paragraph, First line: -1.8 ch, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0 pt + Indent at: 18 pt

Page 123: [240] Formatted Clase 8/29/2010 11:21:00 PM

List Paragraph, Indent: Left 1.8 ch, First line: -1.8 ch, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 54 pt + Indent at: 72 pt

Page 1: [241] Formatted Clase 8/15/2010 2:45:00 PM

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Page 124: [242] Formatted Wes Dodds 1/4/2011 2:31:00 PM

List Paragraph, Indent: Left: 0 pt, Hanging: 1.8 ch, First line: -1.8 ch, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0 pt + Indent at: 18 pt

Page 124: [243] Formatted Clase 8/29/2010 11:21:00 PM

List Paragraph, First line: -1.8 ch, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0 pt + Indent at: 18 pt

Page 124: [244] Formatted Clase 8/29/2010 11:21:00 PM

List Paragraph, Indent: Left: 0 pt, Hanging: 1.8 ch, First line: -1.8 ch, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0 pt + Indent at: 18 pt

Page 124: [246] Formatted **Clase** **8/29/2010 11:21:00 PM**

List Paragraph, First line: -1.8 ch, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0 pt + Indent at: 18 pt

Page 124: [247] Formatted **Wes Dodds** **1/4/2011 2:31:00 PM**

List Paragraph, Indent: Left: 0 pt, Hanging: 1.8 ch, First line: -1.8 ch, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0 pt + Indent at: 18 pt

Page 124: [248] Formatted **Clase** **8/29/2010 11:21:00 PM**

List Paragraph, First line: -1.8 ch, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0 pt + Indent at: 18 pt

Page 124: [249] Formatted **Wes Dodds** **1/4/2011 2:31:00 PM**

List Paragraph, Indent: Left: 0 pt, Hanging: 1.8 ch, First line: -1.8 ch, Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0 pt + Indent at: 18 pt

Page 124: [250] Formatted **Clase** **8/29/2010 11:21:00 PM**

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Page 217: [904] Formatted	Clase	8/30/2010 1:02:00 AM
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Page 217: [910] Formatted	Clase	8/30/2010 1:02:00 AM
List Paragraph, Indent: Left 3.6 ch, First line: -1.8 ch, Numbered + Level: 4 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 126 pt + Indent at: 144 pt		
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Page 217: [913] Formatted	Clase	8/30/2010 1:03:00 AM
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List Paragraph, Indent: Left: 36 pt, Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 18 pt + Indent at: 36 pt

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Zoning & Subdivision Committee
Thursday, January 13, 2011 12:15 pm

The Zoning and Subdivision Committee met in regular session on Thursday, January 13, 2011, at 1:18 pm at the LUC Office in East Liberty. Zoning & Subdivision Committee Members were in attendance as follows: Brad Bodenmiller, Scott Coleman, Greg DeLong, Wes Dodds, Charles Hall, Paul Hammersmith, Heather Martin, Fereidoun Shokouhi, Jeff Stauch, Ben Willson, and Andy Yoder. Absent members included: Jenny Snapp. Guest included Joe Clase, Millcreek Township

Scott Coleman chaired the Zoning & Subdivision Committee Meeting.

Minutes of the December 9, 2010, meeting had a change noted by Jenny Snapp: Under Woodbine, it should be corrected to read: Fereidoun Shokouhi made the first motion to accept the staff recommendation of approval of the Woodbine Village Preliminary Plat with the condition that all comments outlined in the LUC Staff Report and reviewing agencies be incorporated into the Construction Drawings and Final Plat. In addition, the Committee expressed concerns about the development's proximity to US33. This development could be affected by the future expansion of US 33. Also, the Township should consider requesting a sound barrier." Greg DeLong made the first motion to approve the minutes with the noted changes and Fereidoun Shokouhi made the second motion to approve the minutes with the noted changes. All in favor.

1. Zoning & Subdivision Committee Appointments for 2011
 - Nominations were opened and Fereidoun Shokouhi offered his compliments to the officers for 2010 and made the first motion to nominate Scott Coleman as the Chair and Greg DeLong as the Co-Chair for 2011. Charles Hall made the second motion to nominate Scott Coleman as Chair and Greg DeLong as Co-Chair. There were no other nominations received. Committee voted all in favor to close the nominations. Charles Hall made the first motion to accept the recommended appointees and Fereidoun Shokouhi made the second motion to accept the recommended appointees. All in favor.
2. Review of Various Zoning Text Amendments, Millcreek Township, Union County – Staff Report by Wes Dodds
 - Greg: Section 6210 and 6220 – These sections list regulations for home occupations both as permitted and conditional uses. The committee feels this could create a loophole for an applicant. The committee suggests having one set of regulations for home occupations, and then listing them either as a permitted or conditional use in each district.
 - Scott: Sections 6231 and 6237 – The committee feels that these changes could create an issue with road frontage requirements in the districts. By



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

increasing the minimum lot size, the minimum frontage would have to be increased as well in order to meet the 3:1 ratio. The township should look at the required frontages to ensure they are in compliance.

- Greg: Section 6535 – The township should clarify this section. The committee feels it may be simpler if it was changed to one number such as “a maximum of 75% of the lot may be covered”.
- Greg: Section 7203 – The definitions for “Attached Single Family Units” and “Multi Family Units” seem like they are in conflict with each other. “Attached Single Family Units” allow up to four connected units, and “Multi-Family Units” are defined as any structure or structures accommodating three or more families. The township should clarify these definitions.
- Greg: Section 7201 – This section allows a home owner’s association to own open space. However, there is no mention that a commercial or industrial association can own open space. The Township might want to consider allowing this.
- Greg: Section 7208 – This section doesn’t list a required caliber for street trees. The township might want to consider inserting minimum caliber here.
- Greg: Section 7509 (C)(1) – This section lists setbacks from different types of uses. However, no setback from a Planned Industrial Area is listed. The Committee feels the township should address this.
- Paul Hammersmith made the first motion to recommend approval of the Millcreek Township Zoning Text Amendments with the addition of the staff and committee comments, as well as, any recommendations received from the Union County Prosecutor’s Office. Charles Hall made the second motion to recommend approval of the Millcreek Township Zoning Text Amendments with the addition of the staff and committee comments, as well as, any recommendations received from the Union County Prosecutor’s Office.

The Zoning and Subdivision Committee adjourned at 12:50 pm with Fereidoun Shokouhi making the first motion to adjourn and Brad Bodenmiller making the second motion to adjourn.

9676 E. Foundry St, PO Box 219
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203

• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com