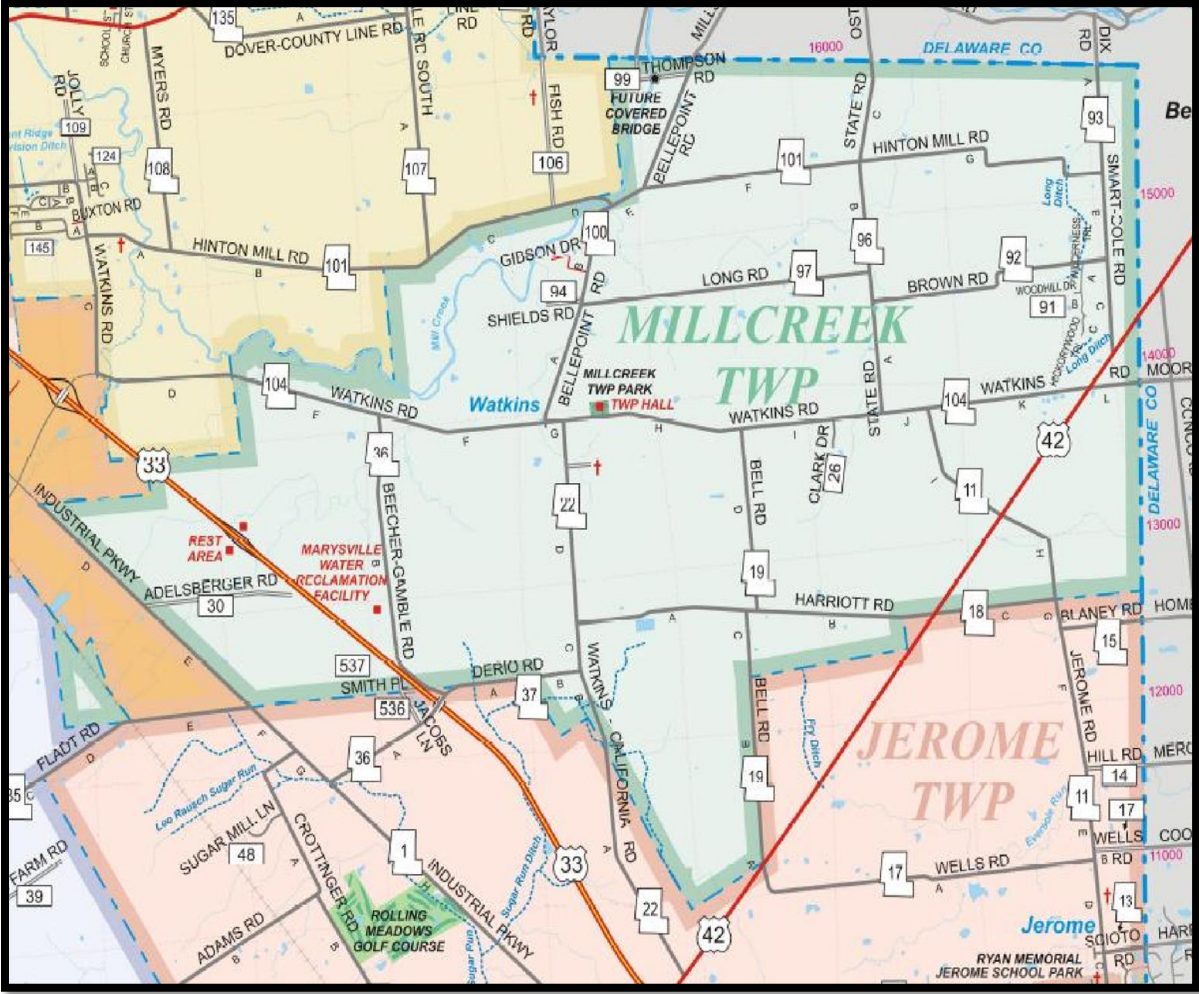


MILLCREEK TOWNSHIP ZONING RESOLUTION

UNION COUNTY, OHIO



Prepared By:
Millcreek Township Zoning Commission

Effective:
March 9, 2011

Last Amended:
February 5, 2024

ACKNOWLEDGEMENTS

Millcreek Township Board of Trustees:

Keith Conroy
Bill Jordan
William Lynch

Millcreek Township Fiscal Officer:

Joyce Beaver

Millcreek Township Zoning Commission:

Kevin Bryant
Jim Lawrenz
Joni Orders, Chair
Freeman Troyer, Vice Chair
Greg Wisniewski

Millcreek Township Board of Zoning Appeals:

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

Millcreek Township Zoning Administrator:

Joe Clase

Consultant:

Jill Tangeman, Esq.

MILLCREEK TOWNSHIP ZONING RESOLUTION

UNION COUNTY, OHIO

WHEREAS, the Board of Trustees of Millcreek Township, 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 Trustees of 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 12/9/10 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 1/13/11 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 1/20/11 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 2/7/11 under the authority and in accordance with the provisions of the Ohio Revised Code with said amendments becoming effective 3/9/11; 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

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: FEBRUARY 7, 2011

BY: The Board of Trustees of Millcreek Township

EFFECTIVE: MARCH 9, 2011


Bill Lynch, Chairperson

ATTEST: Joyce Beaver
Joyce Beaver, Fiscal Officer


Keith Conroy

ATTEST: Joe Clase
Joe Clase, Zoning Administrator

Bill Jordan
Bill Jordan

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CHAPTER 1 - INTERPRETATION & APPLICATION OF THE RESOLUTION

Preamble:

A resolution of the Township of Millcreek, Union County, Ohio, enacted in accordance with a comprehensive plan and the provision of Chapter 519, Ohio Revised Code, dividing the Township into zones and districts, encouraging, regulating and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, business, industrial, recreational, and public areas; providing for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public rights-of-way; providing the compatibility of different land uses and the most appropriate use of land; providing for the administration of this resolution as provided hereafter, and prescribing penalties for the violation of the provisions in this resolution or any element thereof.

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

Section 1000 – Title:

This Resolution shall be known and may be cited as the “Millcreek Township Zoning Resolution” hereinafter referred to as the “Resolution”.

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 – Prior Amendments & Conflicts:

All previously adopted Zoning Amendments or portions in conflict with this Zoning Resolution or any Articles and/or Sections inconsistent with the provisions of this Resolution, are hereby replaced 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.

Subject to limitations specified under applicable law the regulations set forth by this Resolution shall be interpreted to be minimum regulations and shall be applicable to all buildings, structures, and use of land for any private individual or entity, political subdivision, or any other entity within the unincorporated area of Millcreek Township.

Section 1032 – Use of Images, Diagrams and Notes:

The use of images, diagrams, and notes within the Resolution are provided only for the purpose of explaining, illustrating, and clarifying the requirements and standards of the adopted text of this Resolution. All such images, diagrams, and notes shall be considered as separate from the adopted text of this Resolution. In the event of a conflict between the adopted text of this Resolution and the reader's interpretation of the images, diagrams, and notes; the adopted text of this Resolution shall govern.

Section 1040 – Severability:

Should any article, section, sub-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.

Section 1100 – Use of Land or Buildings for Agriculture Not Affected:

It is the intent of this Resolution to be and remain in compliance with ORC 519.21 Powers not conferred on township zoning commission by chapter. ORC 519.21 is a statute created and maintained by the State, which limits the authority of townships and establishes what is commonly referred to as the “agricultural exemption”. How ORC 519.21 impacts this Resolution is described herein.

This Resolution does not affect the use of land for agricultural purposes, or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located and no zoning certificate shall be required for any such building or structure.

- a) Residential dwellings are not considered incident to the use for agricultural purposes and do require a permit.
- b) Agritourism is not considered to fall under the “agricultural exemption” and is regulated as found in Chapter 10.

Section 1102 – Agriculture Exemption Limitations:

There are two conditions where the agriculture exemption does not apply:

- 1) in any platted subdivision approved under ORC Section 711.05, 711.09, or 711.10; or
- 2) in any area consisting of fifteen or more lots approved under ORC Section 711.13.1 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.

When either of these two conditions exist, the requirements of this Resolution regarding agricultural uses and structures apply to:

- (A) Agricultural activities are prohibited on lots of one (1) acre or less.
- (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.
- (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.
 - i. After thirty-five percent (35%) 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.

Last Amended and Reformatted:

CHAPTER 2 – ESTABLISHMENT OF ZONING DISTRICTS & PROVISION FOR THE OFFICIAL ZONING MAP

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
	RESERVED	Section 6300
	RESERVED	Section 6400
B-2	Neighborhood Business District	Section 6500
	RESERVED	Section 6600
M-2	Manufacturing District	Section 6700
EQ	Excavation and Quarry District	Section 6800
MHPD	Manufactured/Mobile Home & Mobile Home Parks	Section 6900
PRD	Planned Residential District	Section 7200
PCD	Planned Commercial and Office District	Section 7300
PID	Planned Industrial District	Section 7400
PTCD	Planned Town Center District	Section 7500
	RESERVED	Section 8100
	RESERVED	Section 8200

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 requested use is similar to a listed permitted or Conditional Use in that District.

Section 2300 – Official Zoning Map:

The Zoning Map, together with the districts established in this Article, and all notations, references, and other matters shown thereon, are hereby declared a 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 districts and their boundary lines are indicated upon a map entitled “The Official Zoning Map of Millcreek Township, Union County, Ohio”, hereinafter called the “Zoning Map”, which is hereby made part of this Resolution.

Section 2301 – Identification of the Official Zoning Map:

The Official Zoning Map shall be identified by the signatures of the Board of Township Trustees, attested by the Township Fiscal Officer under the following words: “This is to certify that this is the Official Zoning Map referred to in Chapter 2 of the Millcreek Township Zoning Resolution, Union County, Ohio”, together with the adoption date of this Resolution.

The Map shall be publicly displayed in the Township Hall.

Copies of the Map shall be filed with the Regional Planning Commission, County Recorder, and County Engineer.

Section 2303 – 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.

Updated copies of the map shall be filed with the Regional Planning Commission, County Recorder, and County Engineer.

Section 2304 – 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 signatures of the Board of Trustees and attested by the Township 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.”

Section 2305 – Preserving Records:

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

Section 2310 – Rules for Interpretation of District Boundaries:

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

- (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.
- (B) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (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.
- (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.
- (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.
- (F) Where the boundary of a district follows metes and bounds description approved as part of a rezoning or annexation of any territory, said metes and bounds description shall have control over all the foregoing.
- (G) Questions concerning the exact location of district boundary lines shall be determined by the Zoning Administrator, subject to the owners' right of appeal to the Board of Zoning Appeals as provided herein.

Section 2320 – Vacation of Public Ways

Whenever any street or public right-of-way is vacated by official action as provided by law, the zoning districts adjoining each side of the street or public right-of-way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended Districts.

CHAPTER 3 – ADMINISTRATIVE APPOINTMENTS, DUTIES, & ACTIONS

Section 3000 – Purpose:

Pursuant to Chapter 519 of the Ohio Revised Code, the Board of Township Trustees shall hire and/or appoint additional persons to administer, assist, and enforce this Resolution. Under this authority, the Board of Township Trustees shall create, hire, appoint, and/or empanel various offices, commissions, boards, and/or committees to achieve these ends. These officers, commissions, boards, and/or committees shall have the general duties, obligations, and authority as outlined in this Resolution and more specifically through position descriptions, organizational resolutions, and other administrative actions. The Board of Township Trustees shall oversee these officers, commissions, boards, and/or committees to the extent allowed by law and shall ensure these positions are staffed to provide the necessary services and oversight to the Township.

Section 3001 – Office of Zoning Administrator Created:

The Zoning Administrator, appointed by the Board of Township Trustees, is primarily responsible for administration of the Millcreek Zoning Resolution, as written, impartially, without authority to deviate from the Resolution.

The Zoning Administrator shall administer and enforce this Resolution and shall perform such other duties as are specified by the Board of Trustees or this Resolution.

The Zoning Administrator shall be compensated at rates set from time to time by the Board of Township Trustees. (moved from Section 3020 per LUC recommendation)

Section 3002 – Powers and Duties of the Zoning Administrator:

For the purposes of this Resolution the Zoning Administrator shall have the following duties:

1. Administer, interpret, and enforce this Resolution and take all necessary steps to remedy conditions found in violation by ordering in writing the discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or take any other action authorized by this Resolution to ensure compliance with or to prevent violation of its provisions.
2. Maintain permanent and up to date records required by the Zoning Resolution, including but not limited to: the Official Zoning Map, zoning permits, inspections documents, and records of all variances, amendments, and conditional uses. Such records shall be kept at the Township Administrative Office and in Trustee approved digital formats as technology advancements allow.
3. Provide requested information and applications to residents or their designee(s) as needed.
4. Collect fees as designated by the Board of Township Trustees for Zoning Certificates, and applications for Zoning Appeals, Zoning Amendments, Variances, and Conditional Uses.
5. Receive, review, and evaluate all applications for Zoning Permits, and Zoning Appeals, Zoning Amendments, Variances, and Conditional Uses. Make reports to the Zoning Commission, Board of Zoning Appeals, and the Board of Township Trustees regarding such applications within prescribed timeframes.
6. Issue Zoning Use Certificates (approved Zoning Permits) when the provisions of this Resolution have been met, including notations of special conditions involved or refuse to issue the same in the event of non-compliance.
7. Inspect any buildings or lands for compliance with these regulations or to document violations as they may exist.
8. Advise the Board of Trustees, Zoning Commission, and/or Board of Zoning Appeals on all matters pertaining to the enforcement of and amendments to the Resolution. Assist in the researching of topics needed / requested as related to the enforcement of and amendments to the Resolution.
9. Process all required notices of this Resolution; Attend and record minutes of meetings of the Zoning Commission and Board of Zoning Appeals; Recommend enhancements, clarifications, corrections of this Zoning Resolution to the Zoning Commission.
10. Testify on behalf of the Township at hearings of the Board of Zoning Appeals or any courts of applicable jurisdiction as required.
11. To accomplish such other actions as are required by this Resolution or by applicable law.

Section 3100 – Township Zoning Commission Composition:

The Township Zoning Commission shall be composed of five (5) members appointed by the Board of Township Trustees.

Members shall be residents of the unincorporated area of Millcreek Township.

Members shall be appointed for a period of five (5) years and the terms of the members shall be of such length and so arranged that the term of one member will expire each year.

Section 3101 – 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.

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.

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

Section 3102 – Appointments to the Unexpired Term of the Zoning Commission:

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

Section 3110 – 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.

Section 3111 – Powers and Duties of the Zoning Commission:

For purposes of this Resolution the Zoning Commission shall have the powers and duties set forth as follows:

1. Submit a plan, including both text and maps, representing the recommendations of the Zoning Commission in implementing the power, purpose, and provisions of the zoning powers conferred by the State of Ohio upon townships.
2. Evaluate and make appropriate recommendations to the Board of Township Trustees regarding proposed amendments to the Resolution or Official Zoning Map, after conducting necessary hearings.
3. Initiate amendments to zoning, take action on proposed or *requested* zoning amendments, and review site development plans.
4. 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.
5. Organize, adopt rules for the transaction of its business, and keep a record of Zoning Commission actions and determinations.
6. Cooperate and coordinate with the Zoning Administrator toward the administration and enforcement of the Resolution.
7. Accomplish such other actions as are required by this Resolution or by applicable law.
8. 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.
9. 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.

Section 3112 – Proceedings of Township Zoning Commission:

Meetings of the Zoning Commission shall be at the call of the Chair, and at such other times as the Board determines.

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.

For the purpose of any formal recommendation or action of the Zoning Commission, the concurring vote of a majority of the members in attendance at any meeting or public hearing shall be required.

The Zoning Commission shall keep records of its determinations or other official actions, all of which shall be filed in the Office of Township Trustees and shall be a public record.

Section 3113 – Minutes of the Zoning Commission:

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.

Section 3200 – 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.

Members shall be residents of the unincorporated area of Millcreek Township.

Members shall be appointed for a period of five (5) year terms, so arranged that the term of one member will expire each year.

Section 3201 – 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 3202 – Appointment to Unexpired Term of the Board of Zoning Appeals:

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

Section 3210 – 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 3211 – Powers and Duties of the Board of Zoning Appeals:

The Board of Zoning Appeals shall have the following specific responsibilities and duties set forth in Section 519 of the Ohio Revised Code:

- A. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of [sections 519.02](#) to [519.25](#) of the Revised Code, or of any resolution adopted pursuant thereto;
- B. Authorize, upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done;
- C. Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the zoning resolution.
- D. Revoke an authorized variance or conditional zoning certificate granted for the extraction of minerals, if any condition of the variance or certificate is violated.
 - i. The board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under division (D) of this section and of his right to a hearing before the board, within thirty days of the mailing of the notice if he so requests.
 - ii. If the holder requests a hearing, the board shall set a time and place for the hearing and notify the holder.
 - iii. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him.
 - iv. If no hearing is requested, the board may revoke the variance or certificate without a hearing.
 - v. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

Section 3211.01 – BZA Powers: Reversal of Orders on Appeal

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 appealed from, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.

Section 3212 – Proceedings of the Board of Zoning Appeals:

Meetings shall be held at the call of the Chair and at such other times as the Board of Zoning Appeals may determine.

The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Resolution.

The Board of Zoning Appeals shall meet, as necessary, in a public building within the Township. All meetings of the Board of Zoning Appeals shall be open to the public.

The meeting agenda shall be set by the Board of Zoning Appeals Chair or Vice Chair, if so, asked by the Chair.

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.

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.

Section 3213 – Minutes of the Board of Zoning Appeals:

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.

Last Amended: June 5, 2023

CHAPTER 4 – ADMINISTRATION AND ENFORCEMENT

Section 4000 – Purpose:

Through powers granted to Townships in ORC 519, Millcreek Township Trustees and authorized individuals working to enforce the Zoning Resolution, will create various administrative forms, policies, and procedures. T

Section 4001 – 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.

Section 4002 – 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:

- (A) Name, address, and phone number of applicant.
- (B) Legal description of property.
- (C) Description of existing use of land and buildings.
- (D) Description of proposed use and buildings, if applicable.
- (E) Zoning district (Current).
- (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.
- (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).
- (H) (H) Number and location of off-street parking spaces, refuse areas, and loading berths, if applicable (I) Number of dwelling units.
- (J) Preliminary lighting and landscaping plan including location and intensity of proposed lighting (excludes single family dwellings).
- (K) Description of the provisions and location for water and sanitary sewer.
- (L) Drainage Plan - A description of and provision for adequate drainage outlet(s) consistent with the proposed use. See Chapter 10 – Supplementary District Regulations.
- (M) Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

(Amended 06/06/2022; Effective 07/07/2022)

Section 4003 – 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.

Section 4004 – 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 4005 – 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 4006 – 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.

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

Section 4007 – 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 4008 – Issuance of Zoning Permit for Projects Requiring Site Plan Review:

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

- (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) 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 4009 – 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.

Section 4200 – Board of Zoning Appeals Established: Moved to Chapter 3

Section 4201 – Organization of the Board of Zoning Appeals: Moved to Chapter 3

Section 4210 – Alternates to the Board of Zoning Appeals: Moved to Chapter 3

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

Section 4230 – Powers and Duties of the Board of Zoning Appeals: Moved to Chapter 3

Section 4240 – Proceedings of the Board of Zoning Appeals: Moved to Chapter 3

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

- (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.
- (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.

- (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.
- (D) Existing Violations. No Conditional Use Permit shall be issued 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.
- (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:
- (1) The location of all buildings (existing and proposed);
 - (2) Parking, loading, and storage areas;
 - (3) Traffic access points and circulation routes;
 - (4) Parking areas including the location and number of spaces proposed;
 - (5) Landscaped areas and other open spaces;
 - (6) Lighting (location, type and wattage)
 - (7) Refuse and service areas;
 - (8) Location of existing utilities and proposed utility expansion areas;
 - (9) Location of signs (does not exempt application from sign permit requirements);
 - (10) Other such information as the BZA may determine needed to determine if the proposed conditional use meets the requirements of the Resolution.

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.

- (F) Additional Required Information: The applicant is also required to provide the following additional information:
- (1) A narrative statement discussing the existing and proposed number of employees or residents, hours of operation, and type of sales on premises.

- (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.

(G) Board of Zoning Appeals Written Findings: 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:

- (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.
- (2) Off-street parking and loading areas where required, with particular attention to the items above.
- (3) The economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.
- (4) Refuse and service areas, with particular reference to the items in (1) and (b) above.
- (5) Utilities, with reference to locations, availability, and compatibility.
- (6) Screening and buffering with reference to type, dimensions, and character.
- (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.
- (8) Required yards and other open space.
- (9) Proposed hours of operation
- (10) General compatibility with adjacent properties and other property in the district.
- (11) Additional information as requested by the Board of Zoning Appeals to make an accurate determination on the application

(H) Conditions Imposed: 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 coexists with adjoining and surrounding properties to ensure continued harmony. The Board of Zoning Appeals may set conditions addressing including but not limited to:

- (1) Current and future size of Conditional Use Permit operation
- (2) Number of employees
- (3) Number of buildings, along with size and setbacks
- (4) Noise, as measured in decibels
- (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
- (6) Number of vehicles or equipment related to the conditional activity
- (7) Hours of operation, including days of the week
- (8) Type of drive (i.e. stone, paved, etc...)
- (9) Type and height of screening (i.e. trees, mounding, etc...)
- (10) Storage of materials used in the Conditional Use Permit activity
- (11) Drainage
- (12) A phasing plan including deadlines for compliance, if necessary
- (13) And other conditions to address the unique aspects of the conditioned use to ensure compatibility with surrounding properties

- (I) 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.

Section 4251 - Revocation of Conditional Use Permit

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

- (A) repeated violations of Conditional Use Permit
- (B) change in the nature of the activity beyond the extent of the Conditional Use Permit
- (C) nature or size of activity becomes intrusive to neighbors or community
- (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.

- (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:
 - (1) Whether the proposed use is in accordance with the general objectives and specified objectives of the Zoning Resolution.
 - (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.
 - (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.
 - (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.
- (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.
- (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 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.
- (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.
- (F) Relief: 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 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.

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.

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) 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) Whether the variance is substantial.
- (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) Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage)
- (E) Whether the applicant purchased the property with knowledge of the zoning restriction
- (F) Whether the applicant's predicament feasibly can be obviated through some method other than a variance.
- (G) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

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) Legal description of the property;
- (B) Name, address, and phone number of applicant;
- (C) Description of the nature of the variance requested;
- (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.

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.

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.

Section 4360 – Penalties for Violation:

Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than the maximum allowable penalty under ORC 519. Additionally, such person convicted of a violation 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.

<u>Section 4400 Township Zoning Commission Created:</u>	Moved to Chapter 3
<u>Section 4401 – Organization of the Township Zoning Commission:</u>	Moved to Chapter 3
<u>Section 4410 – Alternates to the Zoning Commission:</u>	Moved to Chapter 3
<u>Section 4420 – Removal or Resignation of Members of the Zoning Commission:</u>	Deleted
<u>Section 4430 – Powers and Duties of the Zoning Commission:</u>	Moved to Chapter 3
<u>Section 4450 – Meetings and Agenda of Zoning Commission:</u>	Moved to Chapter 3
<u>Section 4460 – Minutes:</u>	moved to Chapter 3

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.

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.

Section 4490 – Initiation of Zoning Amendments:

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

- (A) By adoption of a motion by the Zoning Commission and submitted to the Township Trustees;
- (B) By adoption of a Resolution by the Township Trustees;
- (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.

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:

- (A) Name, address, and phone number of applicant;
- (B) Present use;
- (C) Present zoning district;
- (D) Proposed use;
- (E) Proposed zoning district;
- (F) A description of the proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness
- (G) Site plan showing property lines, existing and proposed future buildings including the building footprint. Setbacks should be clearly marked.
- (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;
- (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.

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.

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.

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:

- (A) The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment;
- (B) A statement indicating that the motion, Resolution, or application is an amendment to the zoning Resolution;
- (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;
- (D) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- (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;
- (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;
- (G) Any other information requested by the Zoning Commission;
- (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:

- (A) The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment;
- (B) A statement indicating that the motion, application, or Resolution is an amendment to the zoning Resolution;
- (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;
- (D) The name of the person responsible for giving notice of the public hearing by publication;
- (E) A statement that, after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action;
- (F) Any other information requested by the Zoning Commission.

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.

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.

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.

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 majority vote of the Board of Township Trustees shall be required.

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.

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.

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.

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.

Section 4700 – Office of Zoning Administrator Created: **Moved to Chapter 3 Appointments**

Section 4710 – Alternates for the Zoning Administrator: **Deleted**

Section 4720 Removal or Resignation of the Zoning Administrator:

Section 4730 – Powers and Duties of the Zoning Administrator: **Moved to Chapter 3 Appointments**

CHAPTER 5 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;

- (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.

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

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:

- (A) No such non-conforming structure may be voluntarily enlarged or altered in any way which increases its nonconformity, 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.
- (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.
- (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.

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:

- (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;
- (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;
- (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;
- (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.
- (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.
- (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.

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 nonconforming 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.

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.

CHAPTER 6 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:

- (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.
- (B) No building or other structure shall hereafter be erected or altered:
 - (1) To exceed the height or bulk;
 - (2) To accommodate or house a greater number of families;
 - (3) To occupy a greater percentage of lot area; and
 - (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.
- (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.

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)

Agricultural uses as defined by the Ohio Revised Code, including but not limited to:

- (1) Wholesale and retail nurseries
 - (2) 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 X of this Resolution.
 - (3) 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) Single family dwellings
- (C) Home occupations as defined in Section 10023
- (D) 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.
- (E) Accessory buildings and accessory uses including swimming pools and private garages provided they meet the standards outlined in this Resolution.

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) Home Occupations as outlined in Section 10024
- (B) 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:
- (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.
 - (2) Suitable fencing and/or screening shall be provided as approved by the Millcreek Township Board of Zoning Appeals.
 - (3) The minimum lot size is five (5) acres.
 - (4) Outside runs are not within 400 feet of adjoining properties.
- (C) Cemeteries provided the following standards are met:
- (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.
 - (2) A mausoleum shall not be within 300' of any property line.
 - (3) A crematory shall not be permitted.
 - (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.
- (D) Bed & Breakfast Lodging
- (1) Limited to four (4) rooms for hire

- (2) Owner must live on premises
- (3) Lodging-guest stays limited to no longer than seven (7) consecutive days
- (4) Subject to Fire Department inspection and approval
- (E) Public uses as defined in Definitions of this Resolution
- (F) Quasi-public uses as defined in Definitions Article of this Resolution

Section 6125 – U-1 Farm / Residential Prohibited Uses:

Uses not specifically permitted, or conditionally permitted in this district shall be prohibited.

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 five (5) acres.

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

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

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

- (A) Front(depth): Fifty (50) feet as measured from the road right of way
- (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.
- (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.

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

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) Single family dwellings (major development to occur in planned districts per comp plan)
- (B) Home occupations as defined in Section 10023
- (C) 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.
- (D) 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.
- (E) Accessory buildings and accessory uses including swimming pools and private garages provided they meet the standards outlined in this Resolution.
 - (1) Accessory uses are limited to one accessory building or use, which may be in addition to a swimming pool.

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) Home Occupations as outlined in Section 10024
- (B) 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:
 - (1) The facility shall comply with all Development Standards contained in this Resolution
 - (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.

Section 6225 – R-1 Low Density Residential Prohibited Uses:

Uses not specifically permitted, or conditionally permitted in this district shall be prohibited.

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.

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

- (A) State highways: 180 feet; 80 feet if developed on a common access drive
- (B) Major collector: 180 feet; 80 feet if developed on a common access drive
- (C) Minor collector: 150 feet; 60 feet if developed on a common access drive

(D) Local road: 100 feet; 60 feet if developed on a common access drive

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

Front(depth): Fifty (50) feet as measured from the road right of way

(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.

(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.

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)

Minimum – 1:1

(B) Maximum – 3:1 (Does not apply to lots above 10 acres or on lots developed on common access drives)

SECTION 6500 B-2 NEIGHBORHOOD BUSINESS DISTRICT

Section 6501 – B-2 Neighborhood 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 range of services and products to the Township.

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

Within the Neighborhood 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) Retail uses under 10,000 square feet

- (B) Business offices
- (C) Hospitals, medical facilities, dental facilities,
- (D) Assisted living, nursing homes and convalescent homes
- (E) Child care facilities
- (F) Eating and drinking establishments
- (G) Hotel
- (H) Outdoor advertising / Billboards subject to the limitations set forth in Article XI herein.

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

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

- (A) Drive-in or drive-through facilities for restaurants, financial institutions, and other similar type businesses.
- (B) Automobile service stations, automobile repair shops, and automobile painting shops
- (C) 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.
- (D) Retail uses over 10,000 sq. feet but less than 25,000 square feet.
- (E) Other businesses similar in nature or character as those listed as permitted uses, as determined by the Board of Zoning Appeals.

Section 6525 – B-2 Neighborhood Business District Prohibited Uses:

Uses not specifically permitted, or conditionally permitted in this district shall be prohibited.

Section 6530 – B-2 Neighborhood 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 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 6532 – B-2 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 6533 – B-2 Neighborhood Business District Front Yard Setback: A front yard setback of fifty (50) feet shall be required.

Section 6534 – B-2 Neighborhood 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 Neighborhood Business District Building Size:

Maximum =

Twenty-five thousand square feet (25,000 s.f.)

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

- (A) Principal & Accessory Buildings = Fifty percent (50%)
- (B) Maximum coverage of all impervious surfaces = Seventy-five percent (75%)

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

Forty (40) feet

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

(A) Must be located behind the principal structure (B)

Maximum height of fifteen (15) 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.

Section 6539 – B-2 Neighborhood Business District Standards:

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

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) Rebuilding of existing homes or other buildings (B)

Manufacturing and assembly of:

- (1) Apparel
- (2) Appliances and associated components
- (3) Electrical equipment
- (4) Footwear
- (5) Vehicles
- (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) Research & development, research laboratories, research assembly services, research testing facilities.

(D) Business offices.

(E) Outdoor advertising / billboards subject to the limitations set forth in Article XI herein.

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

(G) Agricultural sales and services

(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.

(I) Public service uses

(J) Public and quasi-public uses

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.

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) Food and kindred uses.
- (B) 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.
- (C) Adult entertainment facilities per the requirements of this Zoning Resolution.
- (D) 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.
- (E) Structural clay product manufacturing (excluding concrete plants and associated products).
- (F) Any use not prohibited that requires an air quality permit.
- (G) Other businesses similar in nature or character as those listed in permitted uses, as determined by the Board of Zoning Appeals.

Section 6755 – M-2 Manufacturing District Prohibited Uses:

Uses not specifically permitted, or conditionally permitted in this district shall be prohibited. 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) Petroleum processing or handling of any type, including propane and associated products or services.
- (B) Truck stop, trucking hub, depot or redistribution hub/warehouse.
- (C) Warehouse or storage business (as a primary use).
- (D) Landfill and/ or Solid waste transfer stations.
- (E) Steel plants, chemical plants, manufacture of raw plastic, paper mills, other US EPA Title V-type operations. (F) Manufacturing of treated lumber products.
- (G) Construction & Demolition debris transfer station.

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. Maximum building size = 50,000 square feet

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

- (A) Without central water and sewer: Three (3) acres.
- (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 front setback of ninety (90) feet from centerline of the road shall be required.
- (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 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.
- (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) Parcels 10 acres or less
 - (1) Principal and accessory buildings – Fifty percent (50%)
 - (2) Buildings plus parking and loading areas – Seventy-five percent (75%)
- (B) Parcels greater than 10 acres
 - (1) Principal and accessory buildings – Forty percent (40%)
 - (2) Building plus parking and loading areas – Sixty percent (60%)

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

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

Section 6762 – M-2 Manufacturing District Accessory Buildings:

- (A) Must be located behind the principal structure.
- (B) Maximum of height of thirty-five (35) feet.
- (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) Landscaping shall comply with Article XIII.
- (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).
- (C) Off-street parking facilities shall be provided per the requirements of Article XII.
- (D) Off-street loading areas shall be provided per the requirements of Article XII.
- (E) All signs shall comply with the requirements of Article XI.

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) 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) To establish clear and objective operational standards for the extraction and processing of mineral and aggregate resources;
- (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) To ensure the reclamation of lands after mineral and aggregate resource extraction activities are completed.

Section 6810 – EQ District Permitted Uses:

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

Section 6815 – EQ District Prohibited Uses:

Uses not specifically permitted, or conditionally permitted in this district shall be prohibited.

Section 6820 – EQ District – Lot Area:

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

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.

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) 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) 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) 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) 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.

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.

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.

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 preoperation 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.

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

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) 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) 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) 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) 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.
- (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) 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) 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 within 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) 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) 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) 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) 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) 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.

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) 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 Fiscal Officer.
- (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) Processing of mineral and aggregate material shall be at least six hundred feet (600) from adjoining property lines.
- (D) Office, shop and other accessory structures shall be at least five hundred feet (500) from adjoining property lines.
- (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.

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.

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 Fiscal 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.

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 Fiscal 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.

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.

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

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.

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.

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 6915 – MH District Prohibited Uses:

Uses not specifically permitted, or conditionally permitted in this district shall be prohibited.

Section 6920 – Permanently Sited Manufactured Housing:

A permanently sited manufactured home must meet the following criteria

- (A) The structure is attached to a permanent foundation and is connected to facilities and utilities.
- (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) It must have a total living area, excluding a garage, porch or other attachments, of at least 1,000 square feet.
- (D) It has a minimum of 3:12 roof pitch, conventional residential siding and a 6" minimum eave overhang including appropriate gutters.
- (E) It was manufactured after January 1, 1995. (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.

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 519.021(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:

- (A) Planned Residential District (PRD)
- (B) Planned Commercial and Office District (PCD)
- (C) Planned Industrial District (PID)
- (D) Planned Town Center District (PTCD)

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.

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).

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) Whether they are consistent with the intent and purpose of this Resolution;
- (B) Whether the proposed development advances the general welfare of the community and neighborhood;
- (C) Whether the proposed development is consistent with the policies and goals of the Millcreek Township Comprehensive Land Use and Growth Plan.
- (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) 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) 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) 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) Whether the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development; and
- (I) Whether the existing and proposed utility and governmental services are adequate for the population densities and nonresidential uses proposed.
- (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) 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) Site plan, showing approximate building locations(s), various functional use areas, circulation, and their relationship;
- (M) Preliminary building plans, including floor plans and exterior elevations with details on building materials;
- (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.

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) 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) The proposed phase can be completed within five years of the date of approval;

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 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.

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

- (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.
- (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) An increase in overall ground coverage of structures;
 - (2) An increase in the problems of traffic circulation or public utilities;
 - (3) A reduction of off-street parking and loading space;
 - (4) A reduction in required pavement widths;
- (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:
 - (1) A change in the use or character of the development;
 - (2) An increase in the density or overall number of dwelling units;
 - (3) A reduction in approved open space;
 - (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.

SECTION 7100 – 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.

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.

- (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.
- (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:
- (1) The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.
 - (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.
 - (3) Membership in the Association is mandatory for all purchasers of homes therein and their successors.
 - (4) The Homeowners Association shall be force funded.
 - (5) The developer will operate the Homeowner’s Association until 90 percent of the lots in the development are occupied.
 - (6) The method for turning over the Homeowner’s Association shall be identified.
 - (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.
 - (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.
 - (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.
 - (10) The Association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided common open space.
 - (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.

- (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.
- (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:
 - (1) Such land is accessible to Township residents;
 - (2) There is no cost of acquisition other than incidental transfer of ownership costs;
 - (3) A satisfactory maintenance agreement is reached between the developer, association and the Township
- (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:
 - (1) The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;
 - (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) 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) Non-modifiable deed restrictions that permanently restrict the use of the open space to those uses identified in the approved development plan.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.

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

- (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) 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.

SECTION 7200 – PLANNED RESIDENTIAL DISTRICT (PRD)

Section 7201 – 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;
- (B) To encourage development that makes more efficient use of land, and requires shorter networks of streets and utilities;
- (C) To integrate and provide useable and accessible open space and recreation in close proximity to residential dwelling units;
- (D) To use permanent open space as the centerpiece of residential developments.
- (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:

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:

- (A) 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) Single family (detached) residential dwellings.
- (C) Attached single family (attached by a common vertical firewall, such as townhouses, or patio homes) residential owner occupied dwellings in groupings of up to two 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) 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) Common Open Space-Upon approval of the final development plan by the township, the following open space types may be permitted:
 - (1) Maintained Passive Open Space
 - (2) Recreational Open Space
 - (3) Unmaintained Passive Open Space

- (F) 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) 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:

- (A) 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) 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) Home Occupation as provided in Section 10023.
- (D) 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:
 - (1) 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.
 - (2) 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.
 - (3) 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.
 - (4) 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.
 - (5) Model Home Signs: The Board of Zoning Appeals may approve model home signs provided the following conditions are met:
 - (a) The sign shall not exceed 16 (sixteen) square feet per side with 32 (thirty two) square feet maximum total display area;
 - (b) The overall height of the sign shall be no more than four (4) feet above grade. (c) Model home sign shall be located on the same lot as the model home.

- (d) 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:

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:

- (A) Telecommunication towers pursuant to Article XIV of this Zoning Resolution;
- (B) A nursing home, rest home, or home for the aging as defined in ORC 3721.01.
- (C) 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:

- (A) Uses not specifically authorized by the express terms of this Article of the zoning resolution shall be prohibited.
- (B) 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.
- (C) No motor home, mobile home or camper of any type may be occupied by a guest of the resident/owner.
- (D) 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.
- (E) Agricultural uses and/or activities are prohibited in subdivisions that meet the requirements of Ohio Revised Code section 519.21.

Section 7207 – 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. Such informal consultations and/or walkabouts shall occur only during properly advertised public meetings.

Section 7208 – Required Design Standards:

PRD developments shall incorporate the following design standards:

- (A) 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) 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) Perimeter PRD Setback – 50 feet from property lines.

- (D) 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) Subdivision standards – Improvements within the PRD shall conform to the subdivision standards for Union County Ohio.
- (F) 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) 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) 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) 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 five (5) foot 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) Streets – Streets shall meet Union County road standards, regardless of whether roads are private or public.
- (K) Street Trees – Deciduous, broad leaf street trees, if required by the Zoning Commission, shall be placed one for every 50 feet of lineal road frontage.
- (L) 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) Minimum lot size – 15,000 square feet for single family detached dwellings.
- (N) Minimum Lot Width at the building line – 80 feet for single family detached houses.
- (O) Minimum Side yards – 12 ½ feet each side (25’ between structures), with no encroachments, including chimneys, air conditioning units, etc.
- (P) 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) Minimum Rear yard – 30’ for houses. 20’ for detached garages, or as otherwise approved on the PRD development plan.
- (R) 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) 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) Building Dimensions – (Floor space requirements)
 - (1) 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) 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) 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.
- (V) 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) 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) Exterior Lighting- All exterior lighting shall be as specifically approved as part of the final development plan.
- (Y) Common Open Space- A minimum of thirty percent (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) 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) 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) 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) 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) 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) 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) Emergency warning sirens shall be installed within the development.
- (AA) 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 improvements to be installed, landscaping, development, improvement and maintenance of common open space, and any other pertinent development characteristics.
- (BB) 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:

The applicant, being the owner of subject real estate, may apply one of two ways (either A or B).

- (A) File Preliminary and final development plans separately
 - (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) 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) Simultaneous Application for Zoning Map Amendment and Approval of the Final Development Plan
 - (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:

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) That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.
- (B) That the proposed development is in conformity with the Comprehensive Plan or portion thereof as it may apply.
- (C) That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.
- (D) That the proposed plan meets all of the design features required in this Resolution.
- (E) That the proposed development is in keeping with the existing land use character and physical development potential of the area.
- (F) That the proposed development will be compatible in appearance with surrounding land uses.
- (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:

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:

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

- (A) 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:
- (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.
 - (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.
 - (3) Permitted density calculations.
 - (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) 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) 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) A design of the open space and proposed description of its use and maintenance.
 - (8) Proposed public land dedications.
 - (9) Specific statements of requested divergences from the development standards in this article or other articles in this resolution.
 - (10) A traffic impact analysis by a registered professional engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
 - (11) Required Design Standard items 1-4, 6-7,12-17, and 23 from Section 7208.
 - (12) Emergency service provisions (letter from Fire and Police departments).
 - (13) General phasing plans, if any, including density calculations by phase.
 - (14) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
 - (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.
 - (16) A lighting plan identifying location, size and spillage for all street and exterior lighting.
 - (17) An Economic Impact Statement setting forth the financial impact of the proposed PRD on the Township, the school district and Union County.
- (B) 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) 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) 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:

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:

- (A) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed PRD development.
- (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) All design standards from Article IX.
 - (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) 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.
 - (4) 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.
 - (5) 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.
 - (6) A traffic impact analysis by a registered professional engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
 - (7) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
 - (8) Specific location of schools, parks and other public facility sites, within or adjacent to the site.
 - (9) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
 - (10) 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.
 - (11) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
 - (12) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
 - (13) A lighting plan identifying location, size and spillage for all street and exterior lighting.
 - (14) An Economic Impact Statement setting forth the financial impact of the proposed PRD on the Township, the school district and Union County.

- (15) 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.
- (16) 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.
- (17) The final development plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio.
- (18) 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.
- (19) 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.
- (20) 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 – 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 plan 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 plan 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) 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) 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) 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) 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) 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) 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) 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) 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) 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 plans 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, 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.
 - i. A change in the use or character of the development
 - ii. An increase in overall lot coverage of structures and off-street parking
 - iii. An increase in the density
 - iv. An increase in the problems of traffic circulation and public utilities;
 - v. A reduction in approved open space;
 - vi. A reduction of off street parking and loading space;
 - vii. A reduction in required pavement widths;
 - viii. A reduction of the acreage in the planned development;
 - ix. Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.
- (G) 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 7300 – PLANNED COMMERCIAL & OFFICE DISTRICT (PCD)

Section 7301 – 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:

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

- (1) 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) Offices of credit agencies, personal credit institutions or loan offices.
- (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) Business offices / corporate headquarters.
- (5) Meeting or conference center

(C) Institutional Type Uses

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

(12) Public or private educational facilities including colleges and training centers.

Section 7303 – 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) 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) Drive-in or drive-through facilities for restaurants, financial institutions and other similar type businesses.
- (C) Gas stations.
- (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.
- (E) Automobile service stations, automobile repair shops and automobile painting shops.
- (F) Car and Machinery Rental
- (G) Automobile Sales
- (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.

Section 7304 – Prohibited Uses:

- (A) Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited.
- (B) 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.
- (C) 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.
- (D) 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.
- (E) Adult Entertainment Facilities as defined in Article XV.

Section 7305 – 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. Such informal consultations and/or walkabouts shall occur only during properly advertised public meetings.

Section 7306 – Required PCD Design Standards:

The development plan shall incorporate the following standards:

- (A) 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) Minimum tract size- 10 acres, or as approved per plan.
- (C) Maximum impervious surfaces- ground coverage by buildings and paved parking areas (total impervious surfaces): 50% of net developable area.
- (D) Permitted density- Maximum of three units per Net Developable Acre for residential multi-family dwellings.
- (E) Floodplain – No structures shall be constructed within the 100-year floodplain of any stream or river.
- (F) 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) Minimum Lot Width – At the building line as approved per plan.
- (H) 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) 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) 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) 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) 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) 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) Floodplain- No residential dwelling structures shall be constructed within the 100-year floodplain of any stream or river.
- (O) 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) 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) Building Height Limits- Building Height shall be limited to 50 feet.
- (R) 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) 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) Signs- Signs shall conform to provisions of this resolution, or request a divergence and be as approved per plan.
- (U) 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.
- (V) 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.
- (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.

Section 7307 – 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:

- (A) That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.
- (B) That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
- (C) That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.
- (D) That the proposed plan meets all of the design features required in this Resolution.
- (E) That the proposed development is in keeping with the existing land use character and physical development potential of the area.
- (F) That the proposed development will be compatible in appearance with surrounding land uses.
- (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 7308 – 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) 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.
- (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).

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 PCD Zoning:

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:

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.

- (A) 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:
- (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, existing and proposed structures, structures within 200' of the development tract.
 - (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.
 - (3) Permitted density calculations.
 - (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) 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) 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) A design of the open space and proposed description of its use and maintenance.
 - (8) Proposed public land dedications.
 - (9) Specific statements of requested divergences from the development standards in this article or other articles in this resolution.
 - (10) A traffic impact analysis by a registered professional engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
 - (11) Required Design Standard items 1-4, 6-7,12-17, and 23 from Section 7208.
 - (12) Emergency service provisions (letter from Fire and Police departments).
 - (13) General phasing plans, if any, including density calculations by phase.
 - (14) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
 - (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.
 - (16) A lighting plan identifying location, size and spillage for all street and exterior lighting.
 - (17) An Economic Impact Statement setting forth the financial impact of the proposed PCD on the Township, the school district and Union County.
- (B) 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) 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 PCD preliminary development plan.
- (D) 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:

The applicant shall submit fifteen (15) copies of the final development plan to the Zoning Commission with the application.

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) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed PCD District.
- (B) 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) 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) 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 100year 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) 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) Building heights and dimensions.
 - (5) Off-street parking.
 - (6) Signs.
 - (7) 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.

- (8) A traffic impact analysis by a registered professional engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
- (9) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- (10) Location of all uses within the site and the location of schools, parks and other public facility sites within or adjacent to the site.
- (11) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- (12) Specific location of schools, parks and other public facility sites, within or adjacent to the site.
- (13) 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.
- (14) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
- (15) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
- (16) A lighting plan identifying location, size and spillage for all street and exterior lighting. All exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any adjoining property.
- (17) An Economic Impact Statement setting forth the financial impact of the proposed PRD on the Township, the school district and Union County.
- (18) 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.
- (19) 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.
- (20) The final development plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio.
- (21) The manner and method to be utilized in order to achieve and maintain compliance with the general criteria for the PCD district.
- (22) The manner in which the applicant will mitigate any nuisance effects of the proposed uses such as, but not limited to:
 - (a) 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.
 - (b) 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) 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) 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) 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) 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) 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) 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) 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.
- (E) 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.

Section 7312 – Final Development Plan Approval:

- (A) 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. 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.
- (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 plan.
- (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;
 - (b) An increase in overall lot coverage of structures and off-street parking;
 - (c) An increase in the density;
 - (d) An increase in the problems of traffic circulation and public utilities;
 - (e) A reduction in approved open space;
 - (f) A reduction of off street parking and loading space;
 - (g) A reduction in required pavement widths;
 - (h) A reduction of the acreage in the planned development;
 - (i) Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.

(F) 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) 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 7400 – PLANNED INDUSTRIAL DISTRICT (PID)

Section 7401 – 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:

Within the Planned Industrial District (PID), the following uses shall be permitted: (A)

Wholesale businesses when all products are stored within the building.

- (B) Business offices.
- (C) Research laboratories.
- (D) Research assembly services.
- (E) Research testing facilities.
- (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:

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) 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) Uses identified in the Neighborhood Business District (B-2).
- (E) Adult entertainment facilities per the requirements of Article XV.

Section 7404 – Prohibited Uses:

- (A) Uses not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.
- (B) 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.
- (C) 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.
- (D) 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.
- (E) Residential uses of any kind, except for a caretaker for a permitted use.

Section 7405 – 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. Such informal consultations and/or walkabouts shall occur only during properly advertised public meetings.

Section 7406 – Required PID Design Standards:

The development plan shall incorporate the following standards:

- (A) 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) Minimum tract size- 10 acres, or as approved per plan.
- (C) Maximum impervious surfaces- ground coverage by buildings and paved parking areas (total impervious surfaces): 50% of net developable area.
- (D) Floodplain – No structures shall be constructed within the 100-year floodplain of any stream or river.
- (E) 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) Minimum Lot Width – at the building line as approved per plan.
- (G) 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) 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.
- (I) 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) 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) 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) 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) 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.
- (N) 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.
- (O) Building Height Limits- Building Height shall be limited to 40 feet.
- (P) 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.
- (Q) 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.

- (R) Signs- Signs shall conform to provisions of this resolution, or request a divergence and be as approved per plan.
- (S) 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.
- (T) Building Size Limits – No structure shall contain more than 50,000 square feet of floor area under one roof.
- (U) 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:

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) That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.
- (B) That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
- (C) That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.
- (D) That the proposed plan meets all of the design features required in this Resolution.
- (E) That the proposed development is in keeping with the existing land use character and physical development potential of the area.
- (F) That the proposed development will be compatible in appearance with surrounding land uses.
- (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 7408 – 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) 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.
- (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).

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. 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. Such informal consultations and/or walkabouts shall occur only during properly advertised public meetings.

Section 7409 – 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:

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.

- (A) 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:
- (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, existing and proposed structures, structures within 200' of the development tract.
 - (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.
 - (3) Permitted density calculations.
 - (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) 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) 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) A design of the open space and proposed description of its use and maintenance.
 - (8) Proposed public land dedications.
 - (9) Specific statements of requested divergences from the development standards in this article or other articles in this resolution.
 - (10) A traffic impact analysis by a registered professional engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
 - (11) Required Design Standard items 1-4, 6-7,12-17, and 23 from Section 7208.
 - (12) Emergency service provisions (letter from Fire and Police departments).
 - (13) General phasing plans, if any, including density calculations by phase.
 - (14) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
 - (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.
 - (16) A lighting plan identifying location, size and spillage for all street and exterior lighting.
 - (17) An Economic Impact Statement setting forth the financial impact of the proposed PID on the Township, the school district and Union County.
- (B) 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) 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 PID preliminary development plan.
- (D) 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:

The applicant shall submit fifteen (15) copies of the final development plan to the Zoning Commission with the application.

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) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed PID District.
- (B) 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) 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) 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 100year 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) 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) Building heights and dimensions.
 - (5) Off-street parking.
 - (6) Signs.
 - (7) 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.
 - (8) A traffic impact analysis by a registered professional engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
 - (9) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
 - (10) Location of all uses within the site and the location of schools, parks and other public facility sites within or adjacent to the site.
 - (11) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
 - (12) Specific location of schools, parks and other public facility sites, within or adjacent to the site.
 - (13) All design standards from Article IX.

- (14) 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.
- (15) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
- (16) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
- (17) A lighting plan identifying location, size and spillage for all street and exterior lighting. All exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any adjoining property.
- (18) An Economic Impact Statement setting forth the financial impact of the proposed PRD on the Township, the school district and Union County.
- (19) 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.
- (20) 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.
- (21) The final development plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio.
- (22) The manner and method to be utilized in order to achieve and maintain compliance with the general criteria for the PID district.
- (23) The manner in which the applicant will mitigate any nuisance effects of the proposed uses such as, but not limited to:
 - (a) 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.
 - (b) 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) 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) 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) 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) 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) 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) 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) **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) **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) **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. 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.
- (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;
 - (b) An increase in overall lot coverage of structures and off-street parking;
 - (c) An increase in the density;
 - (d) An increase in the problems of traffic circulation and public utilities;
 - (e) A reduction in approved open space;
 - (f) A reduction of off street parking and loading space;
 - (g) A reduction in required pavement widths;
 - (h) A reduction of the acreage in the planned development;
 - (i) Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.

(F) 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) 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 7500 PLANNED TOWN CENTER DISTRICT (PTCD)

Section 7501 – 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:

- (A) Maintain the historic character of the township.
- (B) Encourage pedestrian-oriented development at densities and intensities that will help to support Town Center businesses.
- (C) Within individual buildings, allow a vertical mix of uses between ground level commercial and residential or office units above.
- (D) Add streetscape elements, other outdoor pedestrian spaces and active ground floor retail uses that encourage activity, sociability, safety and visual appeal.
- (E) Encourage shared parking among commercial uses.

Section 7503 – Permitted Uses:

- (A) 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) 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:

There are no conditional uses in the Planned Town Center District (PTCD).

Section 7505 – Prohibited Uses:

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 PTCD Design Features:

- (A) Minimum Tract Size – 100 Acres or as approved per plan
- (B) Building Types – The following types of buildings are the only building types permitted in the PTCD unless otherwise approved per plan.
 - (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) 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 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) 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) Civic / Institutional Buildings and Facilities. Steeples, bell towers and similar architectural features are exempt from height regulations. (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 PTCD 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 – 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) Building Design
 - (1) A minimum of sixty percent (60%) and a maximum of eighty five percent (85%) of the front façade 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 façade 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 – Building Height shall be limited to 50 feet.
- (G) Streetscape – 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 PTCD shall be open space of which ten percent (10%) must be Recreational Open Space.
- (I) Building Size Limits – No structure in the PTCD shall contain more than 35,000 gross square feet of floor area under one roof. (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 – 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 – 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:

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) That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.
- (B) That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
- (C) That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.
- (D) That the proposed plan meets all of the design features required in this Resolution.
- (E) That the proposed development is in keeping with the existing land use character and physical development potential of the area.
- (F) That the proposed development will be compatible in appearance with surrounding land uses.
- (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:

Applications for amendment to rezone property to the PTC D Zoning District may be approved according to one of the following procedures:

- (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 PTC D. 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 PTC D. (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) 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 PTC D 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 PTC D 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 PTC D district, all previous regulations shall no longer be in effect, and the regulations set forth in this Article for the PTC D designation, as approved, shall prevail.

Section 7509 – Preliminary Development Plan:

Upon application for a PTC D 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.

- (A) Fifteen (15) copies of the preliminary development plan shall be submitted to the Zoning Commission with the PTC D application. The plan shall include in text and map form, the following:
 - (1) The proposed size and location of the PTC D 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.
 - (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.
 - (3) Permitted density calculations.
 - (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) 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) 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) A design of the open space and proposed description of its use and maintenance.
 - (8) Proposed public land dedications.
 - (9) Specific statements of requested divergences from the development standards in this article or other articles in this resolution.
 - (10) A traffic impact analysis by a registered professional engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
 - (11) Required Design Standard items 1-4, 6-7,12-17, and 23 from Section 7208.
 - (12) Emergency service provisions (letter from Fire and Police departments).
 - (13) General phasing plans, if any, including density calculations by phase.
 - (14) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
 - (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.
 - (16) A lighting plan identifying location, size and spillage for all street and exterior lighting.
 - (17) An Economic Impact Statement setting forth the financial impact of the proposed PTCD on the Township, the school district and Union County.
- (B) 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) 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 PTCD 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 PTCD preliminary development plan.
- (D) Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PTCD property, the applicant must submit an affidavit from each property owner within the PTCD stating that the applicant may act as the owner's agent to submit the PTCD 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:

The applicant shall submit seven (7) copies of the final development plan to the Zoning Commission with the application.

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) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed PTCD District.
- (B) 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) 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) 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) 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) Building heights and dimensions.
- (5) Off-street parking.
- (6) Signs.
- (7) 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.
- (8) A traffic impact analysis by a registered professional engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
- (9) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- (10) Location of all uses within the site and the location of schools, parks and other public facility sites within or adjacent to the site.
- (11) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- (12) Specific location of schools, parks and other public facility sites, within or adjacent to the site.
- (13) All design standards from Article IX.
- (14) 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.
- (15) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
- (16) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
- (17) A lighting plan identifying location, size and spillage for all street and exterior lighting. All exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any adjoining property.
- (18) An Economic Impact Statement setting forth the financial impact of the proposed PRD on the Township, the school district and Union County.
- (19) 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.
- (20) 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.

- (21) The development plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio.
- (22) The manner and method to be utilized in order to achieve and maintain compliance with the general criteria for the PTCD district.
- (23) The manner in which the applicant will mitigate any nuisance effects of the proposed uses such as, but not limited to:
- (a) 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.
 - (b) 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) 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.
 - (d) 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) 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) 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) 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) 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) 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 PTCD 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) Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PTCD property, the applicant must submit an affidavit from each property owner within the PTCD stating that the applicant may act as the owner's agent to submit the PTCD application.

Section 7511 – Final Development Plan Approval:

- (A) 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. 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.

- (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;
 - (b) An increase in overall lot coverage of structures and off-street parking;
 - (c) An increase in the density;

- (d) An increase in the problems of traffic circulation and public utilities;
 - (e) A reduction in approved open space;
 - (f) A reduction of off street parking and loading space;
 - (g) A reduction in required pavement widths;
 - (h) A reduction of the acreage in the planned development;
 - (i) Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.
- (F) 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) 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.

CHAPTER 8 – RESERVED

CHAPTER 9 – 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 PRDs and PTCs approved after the effective date of this ordinance in Millcreek Township shall comply with all the standards set forth herein.

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, whichever 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.

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) Planting areas containing annuals, perennials and/or flowering shrubs;
 - (2) Large, flowering trees;
 - (3) Seating;
 - (4) Pedestrian-scaled lighting;
 - (5) Gazebos or other decorative structures;
 - (6) Play structures for children;
 - (7) Natural environmental features.

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. 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.

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 (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

Section 9022 – Residential Design Standards – Neighborhood Identity Credit:

The Township shall give credit for identity features as follows:

- (A) 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.
- (B) 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.
- (C) A water feature, fountain, or artwork such as a sculpture, shall count as one-half (1/2) identity feature.
- (D) 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.
- (E) 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.
- (F) A community (clubhouse) building at least two thousand (2,000) square feet in size shall count as two (2) identity features.
- (G) 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.
- (H) Other features may be considered credit toward meeting the identity feature requirement, subject to approval by the Zoning Commission.

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) At least five (5) percent of all lots within the subject subdivision shall be 12,500 square feet or greater.

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.

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.
 - (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.
 - (2) Brick or other approved masonry materials shall wrap around inside corners and return a minimum of two (2) feet at outside corners.
- (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:
 - (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.
 - (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.

- (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.

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.

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)

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.

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 commercial, institutional, industrial, warehouse and office developments 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.

Section 9530 – Commercial Design Standards – Orientation & Façade Standards:

Primary facades 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 facades; 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 facades; the two façades that face the public right-of-way and the façade that incorporates the customer service entrance.
- (C) All primary facades 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 facades 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 facades 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 facades is restricted as follows:
- (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) Smooth-faced concrete on a primary façade shall have stucco or other decorative finish.
 - (3) Backlit awnings/canopies are specifically prohibited. Pre-wiring for backlit awnings/canopies is prohibited. Awnings/canopies shall not be backlit.

Section 9540 – Commercial Design Standards – Secondary Standards:

Secondary facades 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 facades 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 facades 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 facades 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 facades 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.

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:
 - (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.
 - (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.

- (3) Overhanging eaves that extend at least three (3) feet beyond the supporting walls, with a minimum fascia of six (6) inches deep.
 - (4) Three or more roof planes per primary façade.
 - (5) A sloping roof that does not exceed the average height of the supporting walls, with an average pitch of 4:12 or greater.
 - (6) Any other treatment that, in the opinion of the Zoning Administrator, meets the intent of this section.
- (B) Backlit awnings used as a mansard or canopy roof are prohibited in both single and multiple-tenant buildings. Prewiring for backlit awnings/canopies is prohibited. Awnings/canopies shall not be backlit subsequent to their construction.
- (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:

- (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.

Section 9580 – Commercial Design Standards – Section Façade Treatments:

(A) All facades 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 facades 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 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.

Section 9610 – Vehicular Use Area Interior Landscaping:

- (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.

SECTION 9700 – DESIGN STANDARDS – ARCHITECTURAL REVIEW

Section 9700 – Design Standards – Architectural Design Review Procedure:

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:

- (A) The ADP is consistent with the Comprehensive Plan and with all other duly adopted plans and policies;
- (B) The ADP complies with all applicable zoning district, development, and subdivision regulations; and (C) The ADP complies with these Residential Design Standards and/ or Commercial Design Standards.

Section 9720 – Design Standards – Architectural Design Plan Effect of Approval:

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.

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.

- (A) Land Analysis Element that identifies:
 - (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;
 - (2) Hazards, including airport influence areas;
 - (3) Existing or planned street and road system located adjacent to the subject property;
 - (4) Land uses, existing or approved by the Township, located w¹/₂in 1/2 mile of the boundaries of the subject property;
 - (5) The proposed development's relationship with and connections to surrounding lands and land uses (existing or approved);
 - (6) Any non-residential areas within the development; and
 - (7) Any natural or man-made features used to divide the property into individual neighborhoods and development areas.
- (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.
- (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.

- (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.
- (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.
- (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 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 -

- (1) The plat complies with the terms and conditions of any previously approved Architectural Development Plan;
- (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
- (3) The plat evidences the availability and adequacy of public facilities and services needed to meet the demand generated by the proposed subdivision.
- (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.

(B) Final Subdivision Plats –

- (1) The plat complies with the terms and conditions of any previously approved Architectural Development Plan (ADP) and/or a preliminary subdivision plat;
- (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
- (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.
- (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.

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
- (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.

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.

- (A) Compliance of plan with the Comprehensive Land Use & Growth Plan,
- (B) Compliance with all applicable zoning and subdivision requirements, and
- (C) All applicable requirements of these Residential Design Standards.

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.
- (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.

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 Administrator’s decisions shall be appealed to the Zoning Commission.

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.

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.

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.

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.

CHAPTER 10 – 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 determine 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.

Section 10023 – Home Occupation – Permitted Use:

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) Traffic generated by the home occupation shall in no case 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.

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;
- (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, within the past year, 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 to the Business District (B-2) 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, wind turbines (as regulated in Section 10051) 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 the center of the base thereof to the nearest property line of said lot.

Section 10051 – Wind Turbines:

Moved to Chapter 14

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.

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.

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.

Section 10200 – Ponds:

Within Millcreek Township, a pond is any man-made structure in which water is impounded by constructing a dam or embankment or by excavating a pit or dugout. Ponds shall include retention basins designed to permanently hold water. Detention basins designed for short-term water containment are not considered ponds under this section. Landscape water features less than one-hundred fifty (150) square feet are excluded.

Agricultural use ponds and ponds created primarily for the purpose of controlling surface runoff as part of the subdivision process are exempt from the pond requirements.

A zoning use permit, issued by the Zoning Administrator, shall be required prior to construction, expansion, or abandonment of any pond within Millcreek Township.

Section 10200.01 – Pond Design, Review, and Construction Standards:

In addition to the application for zoning use permit, applicants shall provide a pond plan created by the Union Soil and Water Conservation District (SWCD) or a Professional Civil Engineer (P.E.). The pond shall be constructed to the specifications as provided in the pond plan and the requirements contained herein.

- (A) The pond plan shall be designed in accordance with the National Resource Conservation Service (NRCS) standards and specifications.
- (B) The applicant shall provide evidence that test pits have been dug in order to determine soil suitability for the site, with sustainability determined by Union SWCD or a Professional Civil Engineer (P.E.).
- (C) The applicant shall provide evidence of an adequate drainage outlet, as determined by the Union SWCD or a Professional Civil Engineer (P.E.).
- (D) The pond plan shall be done in a manner so that the pond outlet and discharge shall not encroach on adjacent properties.
- (E) The pond plan shall incorporate any known subsurface drainage tiles into the design. Every effort shall be made to locate and clearly mark the location of subsurface drainage tiles within the project area prior to construction.
- (F) A pond shall not be permitted on a lot less than three (3) acres in size, exclusive of all easements and rights-of-way.
- (G) A pond shall not be permitted if the minimum surface area at the high-water mark is less than one-fourth (1/4) of an acre.

Section 10200.02 – Pond Setback Standards:

To reduce the risk of vehicles leaving the road and entering a pond, ponds shall be setback from nearby roads. A design plan should include one of the following standards to satisfy this setback requirement.

- 1) The placement and maintenance of earth mounds to be a minimum of four (4) feet high or tree lines between the road right-of-way and the pond to serve as traffic barriers and decrease required setback. If such earth mounds or tree lines are used, the setback shall be fifty (50) feet from the road right-of-way to high-water mark and thirty (30) feet from the high-water mark to the side and rear lot lines.
- 2) A pond shall be setback one hundred (100) feet from the road right-of-way to the high-water mark and thirty (30) feet from the side and rear lines to the high-water mark without the installation of any traffic barriers.

Section 10200.03 – Pond Permit and Construction:

The excavation, expansion, or abandonment of all ponds shall require a zoning permit and applicable fee. This applies to new pond construction in all zoning districts including planned unit development districts.

- (A) All work shall commence on said pond within twelve (12) months from the date of permit issuance from the Township Zoning Administrator.
- (B) The property owner shall notify the Zoning Administrator upon commencement of construction of the pond.
- (C) Excavated soil shall be spread or placed in a manner so as not to encroach on adjacent property.
- (D) Disturbed soil shall be seeded. Such seeding shall meet Ohio EPA best management practices and NRCS standards and specifications.
- (E) Should the permit expire before work on the pond is complete and/or no extension has been granted, all excavated land shall be returned to its original state and seeded.
- (F) All construction of ponds within the Township shall be accomplished in a manner consistent with maintenance of good surface and subsurface drainage.
- (G) Subsurface drainage tile that is discovered during the construction of the pond shall be repaired, replaced, removed (if abandoned), re-routed, incorporated into the pond construction, or otherwise modified so that it continues to function in a manner consistent with maintenance of good surface and subsurface drainage.

If an easement is needed to connect to a tile or channel on an adjacent property, it is the applicant's responsibility to obtain such easement in writing from the adjacent landowner. The easement, in writing, shall accompany the zoning permit application.

Amended: 06/06/2022

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).

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.

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

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.

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.

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:

- (A) All Conditional Uses in the Floodway are limited to those listed previously.
- (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.
- (C) Storage or processing of materials.
- (D) Parking and loading areas.

- (E) Wastewater treatment and disposal systems.
- (F) Flood control or mitigation structures and measures.
- (G) Temporary or permanent placement of material, fill, or spoil of any type or other such mounding or embankment or additions or extensions thereto.

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.

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 ½ 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.

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) 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) 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) 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) No residential buildings and/or structures shall be located in the Floodway portion of the Floodplain.

Section 10620 - Non-residential Construction within a Flood Plain District:

- (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) 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) 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) No nonresidential buildings and/or structures shall be located in the Floodway portion of the Floodplain.

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) See Part.11 (a) and (b) for residential and nonresidential floodway development provisions.
- (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.
- (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) 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.

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:

- (A) Plans drawn to scale showing the nature, location, dimensions, and details of the property, development activities, and land use, both existing and proposed;
- (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;
- (C) Existing and proposed topographical information;
- (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.
- (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.
- (F) Other information as may be reasonably deemed necessary by the Community NFIP Administrator (County Engineer).
- (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).

(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.

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:

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.

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.

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.

Section 10900 – Fuel Stations:

Fuel stations shall be prohibited, except if specifically permitted through district standards. If permitted, the applicant for a fuel station must comply with standards listed herein.

The goal of this Section is to provide for the highest possible level of protection for the health, safety and general well-being of the soil and water of the surrounding community. The potential exists for underground storage tank systems to release gasoline constituents or for spilled fuel to be carried off the fueling area. Millcreek Township restricts the siting of fuel stations herein.

Nothing herein is intended to relieve compliance requirements or conflict with other relevant local, state or federal restrictions.

Section 10910 – Fuel Stations – General Standards:

The following standards must be met by any fuel station operator in Millcreek Township.

- (A) Buffer: No tank, container, pipe or other equipment for the storage and handling of flammable liquids may be installed within 1,000 feet of the boundary of plot used for a residence, school, hospital, church or theater or within 100 feet of the 100 year Flood Plan or a Source Water Assessment Program (SWAP).
- (B) Sumps & Piping: All tank top connections including fill, pump, and automatic tank gauging (ATG) risers must occur within full-depth or collared sumps, and contain double-walled piping for the underground portion of vent pipes.
- (C) Hazard Awareness: Advisory signs shall be posted at each pump summarizing proper methods for handling and disposing of waste, relevant storm water discharge prohibitions, wastewater discharge requirements and proper spill treatment at a minimum. Such signage should also declare a proper contact and phone number for who to call in the event a spill is not or cannot be properly addressed.
- (D) Lighting: Shall comply with Section 15500.
- (E) Signs: Signs shall be posted at the fuel dispenser or fuel island warning vehicle owners/operators against “topping off” of fuel tanks. Drains shall be labeled within the facility boundary, by paint/stencil (or equivalent), to indicate whether they flow to an oil/water separator, directly to the sewer, or to a storm drain. Labels are not necessary for plumbing fixtures directly connected to the sanitary sewer. Emergency shutoff switches should be plainly labeled.
- (F) Grading & Pavement: The air/water supply areas and outdoor waste receptacle areas shall be graded and paved to prevent run-on of storm water. Fuel dispensing areas and fuel delivery areas must be elevated and paved with a smooth impervious surface, with a 2% to 4% slope inward to catch basin(s) to prevent ponding, and must be separated from the rest of the site by a grade break designed to prevent run-on of storm water. The fuel dispensing area is defined as extending 6.5 feet from the corner of each fuel dispenser or the length at which the hose and nozzle assembly may be operated plus 1 foot, whichever is less. The fuel delivery area is defined as the area where a fuel supplier parks a fuel delivery truck while it is unloaded. The paving around the fuel dispensing area may exceed the minimum dimensions of the fuel dispensing area and must be surrounded by a gutter system where necessary to ensure all run-off from the fuel dispensing areas and fuel delivery locations is captured.
- (G) Canopy: A roof shall be installed over the fuel dispensing areas, with an adequate footer, and the cover’s minimum dimensions must be equal to or greater than the area within the grade break or the fuel dispensing area. The cover must not drain onto the fuel dispensing area.
- (H) Other Best Management Practices (BMPs): The use of best management practices shall be required through the design review process, including but not limited to:
 - (1) The installation of oil/water separators, which are designed to appropriately treat storm water and directed to an approved sanitary sewer system; and
 - (2) Secondary containment for unloading of fuel, such as a contained unloading pad and potential connection to an oil/water separator.

Section 10920 – Fuel Stations – Maintenance Standards:

Annual on-site compliance reviews shall be conducted with the Zoning Administrator in October.

All operators must ensure compliance with state requirements with respect to storm water management, spill containment, and periodic inspection of release prevention and detection systems. Operators must maintain and keep current, as required by other regulations, a Groundwater Protection Plan and ensure that employees are trained on the elements of the plan. Operators must inspect and clean, if necessary, storm drain inlets and catch basins within the facility boundary before October 1 each year.

Section 10930 – Fuel Stations – Application Requirements:

The following shall be submitted for review prior to the establishment of a fuel station or permits being issued for construction of any structure related to such a use.

- (A) Neighbor Notification: Written notification shall be provided to property owners within 1,000 feet of the lot that will be used for the filling station.
- (B) Storm Water Pollution Prevention Plan / Spill Prevention Control Counter Measure Plan: A plan shall be submitted demonstrating how to minimize the potential for groundwater contamination. The plan shall demonstrate the ability to comply with general and maintenance standards of Sections 10510 and 10520. It shall itemize how compliance will be maintained and focus on a complete description of spill prevention and control measures for the facility, beginning with customer education. The following shall also be included:
 - (1) Spill Calculations: An estimate of the maximum quantity of fuel that could be spilled in the event of an equipment failure, along with an analysis of its fate and a plan for preventing it from reaching groundwater or surface water. The plan should include descriptions of containment and/or diversionary structures or equipment needed in the event of a spill, and a demonstration that the needed equipment, personnel, and other resources would be available to respond to a spill.
 - (2) Emergency Contact Signage: An exhibit depicting proposed signage per Section 10510(C) including a proper notification list, including the names and phone numbers of local management, remote management, fire and police, local and state agencies needing to be notified, and spill response contractors.
 - (3) Spillage Clean-up Procedures: It shall detail spillage clean-up procedures including best management practices to minimize pollution, address protocols to prevent a spill and address actions in the event of a spill.

10950 – AGRITOURISM

Section 10950.01 - Purpose & Intent:

The goal of this section is to ensure the land use offers safeguards with respect to the rights and enjoyment of neighboring property owners, general safety, and the appearance of the community. It is important to preserve and promote agriculture as a suitable and necessary aspect of land development and as a component of the development of Township character.

The standards herein are meant to minimize conflicts; 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 four allowable factors a township may regulate per O.R.C. 519.21 (C) (4) are:

- 1) Size of a structure used primarily for agritourism,
- 2) Setback building lines for structures used primarily for agritourism;
- 3) Size of the parking areas that may be required; and
- 4) Egress or ingress.

Section 10950.02 – Agritourism Exemption:

Agritourism, as set forth in this section, shall be exempt from obtaining a zoning certificate so long as the structure and/or activity meets the requirements set forth in this code section.

10950.03 – Exemption Application Required:

An applicant claiming an Agritourism exemption shall submit a Declaration of Intent – Agricultural Exemption form to the township in lieu of obtaining a zoning certificate.

The structure and/or activity being exempted will not be required to have a permit on file and no fee will be required.

10951.00 – REQUIREMENTS FOR AGRITOURISM:

In the interest of the public health and safety, no agritourism operation shall be permitted unless the following conditions have been satisfied:

Section 10951.01 - Agricultural Use Qualification for Agri-Tourism

The agritourism provider shall provide evidence the farm on which the agritourism operation is proposed is ten (10) acres or more in area.

- a) If such farm is less than ten (10) acres,
 - i. evidence shall be provided that such farm is currently enrolled in the Current Agricultural Use Value (CAUV) program, **OR**
 - ii. produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.

Section 10951.02 – Agricultural Identity and Relationship

The agritourism provider shall identify the educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operation to the existing agricultural use of the property and the surrounding agricultural community in general.

The Zoning Administrator shall determine the stated use is reasonably related to the agricultural use.

Section 10951.03 – Agri-Tourism Plan Required:

The agritourism provider shall submit a floor plan of the structure to be used for agritourism activities and a site plan of the property illustrating all structures, setbacks from property lines for all structures and any existing or proposed well and/or on-site wastewater disposal system area(s) on the property.

Section 10951.04 – Agri-Tourism Maximum Structure Size

The size for any structure used primarily for agritourism activities shall not exceed 5,000 (Five thousand) square feet.

Section 10951.05 – Setback of Structures from Adjacent Property Line

Structures used primarily for agritourism activities shall be set back at least one hundred (100) feet from any adjacent property line.

Section 10951.06 – Agri-Tourism Off Street Parking

The agritourism operator shall provide off-street parking in accordance with township off-street parking regulations as set forth in Section 12260.

- a) The agritourism operator shall not, however, be required to pave or otherwise improve off-street parking areas.

Section 10951.07 – Ingress and Egress Provisions:

The agritourism operator shall provide ingress and egress via access points on a public road as approved by the Township Zoning Inspector, County Engineer or Ohio Department of Transportation, depending on the jurisdiction of the road being accessed.

- a) Such ingress and egress shall be designed to accommodate emergency vehicle access to the satisfaction of the fire department.
- b) Point of ingress and egress to the agritourism activity shall be located at least one hundred (100) feet from the right-of-way of the intersection of any two (2) streets.

Section 10952

Nothing herein is intended to relieve compliance requirements or conflict with other relevant local, state or federal restrictions.

The agritourism provider shall provide proof of compliance with and approval by all applicable State and/or County agencies, such as Health Department for proper and adequate sanitation, Fire Department for applicable fire safety regulations, etc. as needed and as related to the operation of a business.

Adopted: 12/18/2019

Section 10960 – Medical Marijuana Entities – Purpose & Intent:

The goal of this section is to establish standards meant to minimize conflicts; 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. This section establishes zoning regulations that provide for State-authorized medical marijuana land uses consistent with ORC 519 and ORC 3796. ORC 519.21 and ORC 3796 allow regulation of the location of medical marijuana cultivators, processors, or dispensaries within the unincorporated areas of the township.

Section 10961 – Not an Agricultural Use:

Medical marijuana is not considered an “agricultural” use pursuant to ORC 519.21 (D).

Section 10962 – Prohibited in all Zoning Districts:

Medical marijuana cultivators, processors, and dispensaries are prohibited within the unincorporated area of the Township.

Adopted: 05/03/2021

CHAPTER 11 – SIGNS AND ADVERTISING

Section 11001 – Signs & Advertising – Purpose:

The purpose of this chapter is to provide standards for 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:

- (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. Quality and well-maintained signs are encouraged.
- (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.
- (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) 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) Existing non-conforming signs – 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. Nonconforming signs are subject to the provisions of Article V, and any modifications/enhancements must comply with this Article.
- (C) Content not regulated – The Township regulates only the physical location, size, density and appearance of signage. This Resolution shall not be used to restrict content or Constitutionally protected free speech.

Section 11020 – Signs & Advertising – Sign Permits:

- (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 this article. Additional permits may be required through the Building Department.
- (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.
- (C) Preparation. Applicants for a sign permit must submit the following information.
 - (1) Color sign rendering.
 - (2) Site plan and elevations.
 - (3) Sign dimensions and dimensions of sign mounting material, where applicable.
 - (4) Distance from all public rights-of-way.
 - (5) Style, type, wattage, and location of all lighting.
 - (6) List of construction materials, including sign mounting material, where applicable.
- (D) Criteria for approval. The Zoning Administrator may only approve a sign permit if the proposed sign meets the requirements of this Chapter.

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.

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.

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	1 per entrance	Y	Monument	32 SF	6'	No	Must not be located closer than 5 feet from the nearest right-of-way
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	
Home Occupation and Child Daycare Centers	1 (only in the U-1 District)	Y	Wall	6 SF	12'	No	Must not be located closer than 5 feet from the nearest right-of-way
		Y	Freestanding bracket or Cantilever	10 SF	3'	No	
Public Service, Public Uses, Parks, Conservation Districts or Schools	1 per side of street frontage	Y	Wall	1 SF per linear foot of wall surface up to 75 SF	10'	Yes	No internal illumination
		Y	Monument	48 SF	6'	Yes	No internal illumination
		Y	Freestanding bracket	32 SF	6'	Yes	No internal illumination
		Y	Cantilever	25 SF	15'	Yes	No internal illumination
Churches or Other Places of Worship	1 per side of street frontage	Y	Monument	32 SF	6'	Yes	No internal illumination
		Y	Wall	1 SF per linear foot of wall surface up to 48 SF	6'	Yes	No internal illumination
		Y	Freestanding bracket	32 SF	6'	Yes	No internal illumination
		Y	Cantilever	25 SF	15'	Yes	No internal illumination

Notation 1 – The total number of signs permitted per site can be any combination of the permitted sign types.

Notation 2 – All lighting of signs must be with down-cast lighting fixtures

Table 11030(B) – Sign Standards for Non-Residential Zoning Districts

Under current Zoning guidelines, this applies to B-2, M-2, EQ and non-residential portions of Planned Unit Development Districts.

Sign Class	Maximum number per site	Permit Required	Permitted Sign Types	Maximum Area per Sign	Maximum Height (Entire Structure)	Lighting Allowed	Additional Requirements
Outdoor Advertising / Billboard (permitted only in B-2, M-2 or EQ District)	1	Y	Billboard	300 SF	35'	No	Must be located on a lot at least 10 acres and must not be located closer than 100 feet from the nearest right-of-way or 660 feet from a limited access highway
Business identification – Primary business frontage	2 per primary business frontage 1 per side of street frontage	Y	Wall	1 SF per linear foot of wall surface up to 80 SF	15'	Yes	
		Y	Window	More than one window sign is permitted; however the maximum area may not exceed the total allowed for wall signs		No	Window signs may not be larger than twenty-five (25) percent of the aggregate window area Window signs are limited to one per window
		Y	Awning / Canopy	N/A	N/A	No	
		Y	Blade / Bracket ³	8 SF	4'	Yes	No internal illumination
		Y	Freestanding Bracket ³	48 SF	6'	Yes	
		Y	Monument	48 SF	6'	Yes	Not allowed for second story tenants unless part of a directory sign No internal illumination
		Y	Cantilever	25 SF	15'	Yes	No internal illumination
Business identification – Secondary business frontage	1 per secondary business frontage	Y	Wall	1 SF per linear foot of wall surface up to 6 SF	2'	Yes	
		Y	Awning / Canopy	N/A	N/A	No	
Business identification – No street frontage	1 per tenant space	Y	Wall	1 SF per linear foot of wall surface up to 50 SF	10'	Yes	Allowed only for uses with no business frontage facing a public street No internal illumination

		Y	Window	More than one window sign is permitted; however the maximum area may not exceed the total		No	Window signs may not be larger than twenty-five (25) percent of the aggregate window area Window signs are limited to one per window
				allowed for wall signs			
		Y	Awning / Canopy	N/A	N/A	No	

Notation 3 – Only one permitted per site

Table 11030(C) – Signs Exempt from Permits.

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.

Sign Class	Maximum number per site	Permit Required	Permitted Sign Types	Maximum Area per Sign	Maximum Height (Entire Structure)	Lighting Allowed	Additional Requirements
Flags or Pennants	1	N	Flags, Pennants	10 square feet	N/A	Yes	
Signs located inside a building		N	Interior			Yes	Must not be plainly visible from the exterior of the building
A permanent, nonilluminated sign with a graphics area of 4 square feet or less	1	N		4 SF	3'	No	Cannot be in ROW or obstruct motorist line of sight
A temporary, nonilluminated sign with a graphics area of 10 square feet or less.	1	N		10 SF	3'	No	Cannot be in ROW or obstruct motorist line of sight; Must be removed thirty (30) days after installation
Banner	1 per site per 12 month period	N		16 SF		No	Must be removed thirty (30) days after installation. May only have 1 banner per every twelve-month period.
Decorations associated with national, state, local or religious holidays	1	N	Flags / Signs / Lights			Yes	Can contain no advertising. May be displayed no more than thirty (30) consecutive days.

Section 11040 – General Requirements:

- (A) 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.
- (B) Illumination of signs. The artificial illumination of signs, when permitted by this Article XI, 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) External light sources shall comply with Section 15500 being directed downward or shielded to limit direct illumination of any object other than the sign and be turned off outside of business hours;
 - (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) Signs shall not have blinking, flashing, or fluttering lights, or other illuminating devices that have a changing light intensity, brightness or color;
 - (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) 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) Light sources shall utilize energy efficient fixtures to the greatest extent possible.
 - (7) Bulbs and lamps must be maintained in working order and replaced when broken or burned out.
 - (8) Lighted signs must be “turned off” when establishment is closed.
 - (9) Changeable copy signs and digital signs shall not be permitted.
- (C) 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.
- (D) 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.
- (E) Measurement of sign area.
 - (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

- (2) Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
- (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.
- (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.
- (5) Time and temperature devices shall not be included within the measurement of maximum sign area.

- (F) 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.
- (G) 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 facia 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.
- (H) 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.
- (I) Sign removal or replacement: When a use ceases operation and the property is vacant 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.
- (J) 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.

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. 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

- (B) Blade/bracket signs.
 - (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) Maximum area and height. The lowest point of a blade or bracket signs shall be at least eight feet above finished grade.
 - (3) Sign structure. Sign supports and brackets shall be compatible with the design and scale of the sign.

(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

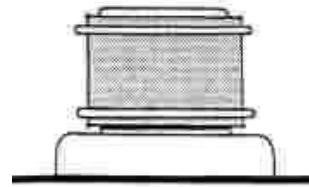


Figure 5 Monument Sign

(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.

(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.

(G) Cantilever signs.

- (1) Location. The sign may be located along any site frontage adjoining a public street, at least five (5) feet outside of any public road right-of-way.
- (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.

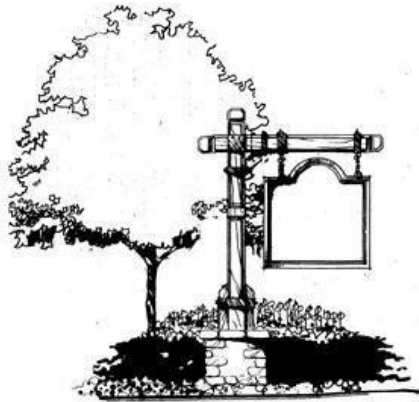


Figure 6 Cantilever Sign (H)

Outdoor Advertising / Billboards

- (1) Location: Outdoor Advertising and/or Billboard may only be permitted in the U-1, B-2, M-2 and EQ Districts on lots a minimum of ten acres and along a site frontage adjoining a public roadway. Signs must be no closer than 100 feet to the public right of way line or 660 feet from a limited access highway as applicable.
- (2) Design: The design and placement of the sign shall not obstruct traffic safety sight areas.
- (3) Size: Outdoor advertising / Billboards shall not exceed 300 SF and shall not exceed 35 feet in height.
- (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: Lighting, changeable copy and digital signs are prohibited.
- (6) Maintenance Requirements: All signs must be maintained

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 Sign shall be placed within any public right-of-way, except by permission of Ohio Department of Transportation (ODOT) or the Union County Engineer
- (B) Flashing, moving, rotating, intermittently lighted signs or other mechanical devices (C) Air actuated attraction devices
- (D) Roof signs
- (E) Pole signs
- (F) Changeable copy signs Digital signs
- (G) Electronic variable message signs and portions of signs, and reader boards (H) Any sign blocking visual sight distance from any vehicular intersection, whether public or privately maintained, as determined by the County Engineer’s Office. (I) Any sign not included under the types of signs permitted in any district regulations or in this section

Section 11400 – Comprehensive Sign Program, Purpose:

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.

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:

- (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.).

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.

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.

Section 11440 – Comprehensive Sign Program, Standards:

A comprehensive sign program shall comply with the following standards:

- (A) The program shall comply with the purpose of this Article and the overall intent of this Section;
- (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;
- (C) The program shall accommodate future revisions that may be required because of changes in use or tenants; and
- (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.

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:

- (A) Any sign associated with the abandoned nonconforming use.
- (B) Any sign that remains after the termination of a use. A use shall be considered terminated if it has ceased operations for at least ninety (90) consecutive days and the property is vacant for at least ninety (90) consecutive days. Seasonal businesses are exempted from this determination.
- (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.

CHAPTER 12 – PARKING AND STORAGE OF VEHICLES

Section 12000 – Purpose:

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.

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.

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)

For any residential driveway and/or off-street parking areas with a lot size at least one acre or more, the owner may choose any of the specified materials above. For any residential driveway and/or off-street parking areas with a lot size less than one acre, the owner may choose either the asphalt or concrete listed above. A combination of asphalt and concrete is also permitted.

Section 12012 – Minimum Construction Standard – Commercial / Industrial / Office Use: All parking and loading areas must be constructed of concrete or asphalt.

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.

Section 12014 – Parking and/or Loading Area Maintenance:

All parking and/or loading areas shall be maintained in good condition.

Section 12020 – Parking and Storage of 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.

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.

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 be 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.

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 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.
- (C) Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than 300 feet from the principal use.

Section 12110 – 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.

Section 12112 – Requirement for the Installation of Wheel blocks:

Whenever a parking 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.

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 12250 – 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

Section 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	REQUIRED PARKING SPACES
Automobile service station	1 for each 3 pumps plus 1 for each service bay
Automobile repairs	1 for each 300 sq. ft. of gross floor area
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)
Banks, savings and loans, business and administrative offices	1 for each 400 sq. ft. of gross floor area
Bed and breakfast inns	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
Business, technical and trade school, college and university	1 for each 3 students
Business and Professional Offices not elsewhere specified	1 for each 200 sq. ft. 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
Day care centers, children’s nurseries and pre-schools	2 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
Drive-up window service or fast-food restaurants, without seating	1 for each 250 sq. ft. of gross floor area
Driving range	1 for each 2 playing locations
Dwellings, Other than multi-family	2 for each dwelling unit
Dwellings, Multi-Family	2 for each dwelling unit
Eating and drinking establishments with no drive-up window service	1 for each 100 sq. ft. of gross floor space
Electronic products store – retail	1 for each 500 sq. ft. of gross floor space
Funeral homes, mortuaries	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
Golf course	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
Hospitals	.5 for each bed
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
Indoor sales exclusively of motor vehicles, aircraft, watercraft, lumber, plants and furniture	1 for each 1,000 sq. ft. of sales area
Libraries, museums or art galleries	1 for each 500 sq. ft. of gross floor area
Manufacturing, warehousing, wholesaling, or similar establishments+	1 per 1,000 sq. ft. of gross building area
Medical and dental offices and clinics	1 for each 200 sq. ft. of gross floor area
Miniature golf course	2 spaces for each hole plus 1 for each 2 employees on combined work shifts

USE	REQUIRED PARKING SPACES
Motels and hotels (not including restaurant facilities)	1 for each living or sleeping unit plus one space for each two employees
Outdoor display and sales	1 for each 1,000 sq. ft. of display area
Outdoor swimming pool	1 for each 5-person capacity (1 person/500 gallons) plus space for supplementary uses
Personal services such as barber shop or beauty shop	1 space for every chair plus 1 space for each employee (increased from 1)
Personal and Consumer Services not elsewhere specified	1 for each employee plus 1 for each 400 sq ft of office space
Recreational uses not elsewhere specified	1 for each 3 patrons plus 1 space for each 2 employees
Restaurants and bars	1 for each 100 sq. ft. of gross floor area
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
Sanitariums, convalescent homes, children's homes	1 for each 2 beds
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
Schools, High	1 for each 3 students
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
Sports arenas, auditoriums, theaters, assembly halls, churches, or similar place with fixed seating	1 for each 4 seats
Video rental store	1 for each 300 sq ft of gross floor area

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:

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.

CHAPTER 13 – LANDSCAPING PLANS, FENCES, WALLS & HEDGES

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 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.

Section 13002 – 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:

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) 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) 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

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.

(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 ^{2,4,5} .
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 overhang 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, except freeways	Any vehicular use area	Same as 1-C above, except applies to portion of vehicular use area facing public or private street or road	1 tree / 40 ft. OFT, plus a 3 ft. average height continuous planting, hedge, or earth mound.

- i. 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 the 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) May be placed on either adjoining parcel, or astride the boundary, if both owned and being processed by the same owner; or
 - (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) 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) 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; or
 - (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. 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. 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.

² 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."

- iv. 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. 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) 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) 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. 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) 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) 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.
 - (c) 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.
 - (d) Minimum Trees: The following minimums are required, based upon total ground coverage of structures and vehicular uses areas. One (1) tree of no less than two (2) inches for every six (6) parking spaces shall be provided. 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.

- (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. 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. 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.
 - (d) Trees within the driveway access to parking or service areas or proposed areas to service a single family-home.

- (e) 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.
- (f) It is encouraged that exempted trees subject to destruction be preserved by relocating and replanting of such trees.
- (g) 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.

Tree Planting Requirements: 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) Parking Lots: see Section 23.03(B) hereof.
- (i) 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.
- (j) 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:

The following are street tree planting requirements for all planned zoning districts:

- (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.
- (1) The tree to be planted is not an undesirable tree species, as listed on the Township's Public Tree Program.
 - (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) 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) 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) 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) The trees will be as approved by the Zoning Commission according to the approved tree list. A mix of species is required.
 - (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) 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) 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) 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) 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) 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) Definitions:

- (1) Large Tree: means any tree species which normally attains a full grown height in excess of fifty (50) feet.
- (2) Medium Tree: means any tree species which normally attains a full growth height of between twenty-five (25) and fifty (50) feet.
- (3) Small Tree: means tree species which normally attains a full-growth height of under twenty-five (25) feet.
- (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:

- (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) 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 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) Evergreen Trees: Evergreen trees shall be a minimum of five (5) feet in height.
- (D) 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 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:

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) Plan Content: The contents of the plan shall include the following:
 - (1) Plot plan, drawn to an easily readable scale no smaller than
 - (2) 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:
 - (3) Typical elevations and/or cross sections as may be required.

- (4) 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) 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) 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.

Section 13101 – Landscaping Plan & Community Trees Definitions:

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.

Invasive species: Plants, animals, and pathogens not native to the region that are either currently or likely to cause harm.

Noxious or invasive (tree / plant): A tree/plant/weed that has been designated by an agricultural or governing authority as a plant that can be or is injurious to agricultural crops, natural habitats or ecosystems, or humans, livestock, or wildlife.

Large Tree: Any tree species which normally attains a full growth height in excess fifty (50) feet.

Medium Tree: Any tree species which normally attains a full growth height of between twenty-five (25) and fifty (50) feet.

Small Tree: Any tree species which normally attains a full-growth height of under twenty-five (25) feet.

Section 13102 – Community Tree Types for use in Landscaping Plans / Street Trees:

Millcreek Township will use tree-related definitions provided in the glossary of the Arbor Day Foundation (and as may be updated from time to time).

Conifer: A cone-bearing tree.

Crown: The head of foliage of a tree or shrub. This is the form or shape of the tree.

Deciduous Trees: Any tree that annually sheds all leaves.

Deciduous trees shall be species that 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 substituted by a grouping of the same 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 (2) inches in trunk diameter at planting.

Evergreen Trees: A tree with needles or leaves that remain alive and on the tree through the winter and into the next growing season.

Evergreen trees shall be a minimum of five (5) feet in height at time of planting.

New: 04/19/2022

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:

- (A) No barbed wire fence or similar sharp point fence shall be constructed, erected or maintained in any district except for agricultural uses.
- (B) Electrically charged fences shall be forbidden in all districts except on sites used to confine livestock.
- (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.
- (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/
- (E) All fences and walls must present the finished non-structural face outward.
- (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.
- (G) Mesh wire fence shall be permitted if incorporated into or an integral part of a wood rail fence.
- (H) All fences must be constructed in front of any property line and/or easement.
- (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.
- (J) All fences on a parcel shall have a unified style.
- (K) Guard rails shall not be used as fencing.

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:
 - (1) Decorative fences to a maximum height of three (3) feet provided that said fence complies with Standards otherwise found in Section X.
 - (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:

- (1) Chain link fences to a maximum height of four (4) feet.
- (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:

- (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.
- (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.

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.

CHAPTER 14 – SUPPLEMENTAL DISTRICT REGULATIONS – ALTERNATIVE ENERGY SYSTEMS

Section 141001 – 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 14002 – Definition of Telecommunication Tower:

A telecommunication tower shall meet all of the following conditions:

- (A) Constructed on or after October 31, 1996
- (B) Owned or principally used by a public utility engaged in the provision of telecommunication service.
- (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 14003 – 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.

Section 14004 – Procedure to Request Installation of Telecommunication Tower:

Any request to the Township must include all of the following items:

- (A) The applicant shall provide proof of notification to contiguous or directly across the street property owners as required by ORC Section 519.211.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (J) No advertising or illumination other than that required by law may be located on the structure or on the required screening.
- (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.
 - i. The results of such inspections shall be provided to the Union County Building Regulations Department and Millcreek Township Zoning Administrator.
 - ii. Based upon results of an inspection, the Township Trustees may require repair or removal of a communication tower.
 - iii. 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.
 - iv. The tower owner (applicant) is responsible to cover the cost of all inspections, repair, and/or removal.
- (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.

- (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.

Reformatted: 09/06/2022

Section 14200 – Small Solar Energy Systems (Less than 50 MW) Zoning Authority & Purpose:

It is the purpose of this regulation to promote the safe, effective, and efficient use of accessory solar systems installed to reduce the on-site consumption of utility-supplied electricity. An accessory solar system shall be considered a permitted accessory use in any district provided all requirements and regulations as set forth are met.

No person shall cause, allow, or maintain the use of an accessory solar energy system without first having obtained a zoning permit from the Zoning Administrator.

Revised: 02/05/2024

Section 14201 – Accessory Solar Energy System Requirements

All accessory solar energy systems shall meet the following requirements:

- 1) An accessory solar energy system is permitted in all zoning districts as an accessory to a principal use.
- 2) An accessory solar energy system shall not be used for the generation of power for the sale or donation of energy to other users. This provision shall not be interpreted to prohibit the sale or donation of excess power generated from time to time to the local utility company or the sale or donation of power as part of a net metering (or similar) arrangement. Net metering (or similar) arrangements are those where electricity produced by the accessory solar energy system displaces electricity that would otherwise be purchased from an electric utility or supplier for the lot where the accessory system is located. Net metering or similar arrangements shall be incidental and secondary to the production for on-site use.
- 3) Accessory solar energy systems with a generation output of five hundred (500) watts or less, or a combination of accessory solar energy systems with an aggregate generation output of five hundred (500) watts or less, shall not require a permit and shall be exempt from the requirements of this section, provided that the system is independent and disconnected from the electrical service(s) supplied to the lot on which the accessory solar energy system is located.
- 4) Roof / Building mounted accessory solar energy systems:
 - a. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
 - b. May be mounted to a principal or accessory structure.
 - c. The height of the solar energy system and building to which it is mounted may not exceed the ridgeline of the roof for hip, gable, and gambrel roofs.
- 5) Ground/Pole mounted solar energy systems:
 - a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
 - b. Shall be permitted in the rear or side yard only.
 - c. Shall be erected within an established clear fall zone.
 - d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest property line, whichever is greater.
- 6) Other structure mounted accessory solar energy systems:
 - a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
 - b. Shall be permitted in the rear or side yard only.
 - c. Shall be erected within an established clear fall zone.
 - d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest property line, whichever is greater.

Section 14201 – Accessory Solar Energy System Requirements (Continued)

- 7) Accessory solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structures on adjacent properties as well as adjacent street right of ways.
- 8) Accessory solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within six (6) months from the date they are no longer producing electricity, become damaged, discontinued, or broken. Any earth disturbance as a result of the removal of the accessory solar energy system shall be graded and reseeded within thirty (30) days of removal.
- 9) In addition to the site plan required for any zoning permit or conditional use permit, the following shall also be submitted at the time of application and shall include:
 - a. Height of the proposed solar energy system(s) at maximum tilt.
 - b. Evidence of established setbacks 1.1 times the height of any ground/pole mounted or other structure mounted solar energy system and “clear fall zone”.
 - c. Proof of notice regarding the proposal to:
 - i. the electric company
 - ii. Union Soil and Water Conservation District (for drainage impact purposes)
 - iii. County Health Department/District (for on-site sewage treatment impacts)

Revised: 02/05/2024

Section 14202 – Principal Solar Energy Production Facilities

No Principal Solar Energy Production Facility shall be located in a zoning district where such facilities are not explicitly listed as permitted or conditionally permitted use.

It is not the purpose of this regulation to regulate a major utility facility, or subsidiary use, as defined by the Ohio Power Siting Board (50 MW or greater).

Principal Solar Energy Production Facilities are prohibited in any district.

Revised: 02/05/2024 New: 09/06/2022

Section 14300 – Wind Turbines:

No wind turbine shall be erected, altered or re-erected without a permit from the Zoning Administrator demonstrating compliance with Section 10051 herein, except wind projects of 5MW or more. Such exempt projects shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small Wind Projects less than 5MW and used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use.

Any proposed construction, erection, or siting of a small wind project less than 5MW including the wind turbine generator or anemometer or any parts thereof shall be a Permitted Use in the U-1 and PID Millcreek Township Zoning Districts exclusively.

- (A) Height: The height of any turbine shall comply with the following:
 - (1) Turbines mounted on the ground: The maximum height of any turbine shall be 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the top surface of natural/undisturbed grade of ground at the tower foundation.
 - (2) Turbines mounted on a structure: The maximum height of any such turbine shall not exceed the permitted height of the structure, plus 15 feet.

- (B) Setbacks: Any turbine erected on a parcel of land shall be setback 1.5 times the greatest of the following:
 - (1) Turbines mounted on the ground: The height of the tower, from the finished grade to the tallest tip of the blade,
 - (2) Turbines mounted on a structure: The total height of the tower from the finished grade of the structure, on which it is mounted,
 - (3) Turbines mounted on the ground or on a structure: The established "clear fall zone", from all road right-of-way lines, above ground utility lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located.

- (C) Maintenance: Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Administrator. An unused wind turbine or small wind project may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 30 consecutive days. Wind turbines that become inoperable for more than 12 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.

- (D) Decibel Levels: Decibel levels shall not exceed 70 decibels, by design or at the location of the tower.

- (E) Shadow Flickering: Wind turbines shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year per property on existing buildings, decks, patios, porches, pools, etc. The applicant has the burden of proving that the shadow flicker will comply with such standard.

Potential shadow flicker will be addressed either through siting or mitigation measures. Calculation inputs should include turbine location, potential receptor locations, sun's movement, hub height, rotor diameter, wind direction frequency distribution and monthly average sunshine hours.

- (F) Wiring and electrical apparatuses: All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio.
- (G) Signs: No signs shall be permitted on turbines except that required by FAA, ODOT or other regulatory agencies.
- (H) Lighting: No lighting shall be permitted on turbines except that required by FAA, ODOT or other regulatory agencies.
- (I) Permits: All Small Wind Projects and parts thereof shall obtain all applicable permits, including a Zoning Permit and those permits required from the State of Ohio and Union County Building Department.
 - (1) A permit shall be required before construction can commence on an individual wind turbine project.
 - (2) As part of the permit process, the applicant shall inquire with the County Building Regulations as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports or runways.
 - (3) Applicant shall then provide the Township Zoning Administrator with the following items and or information, in addition to appropriate application form and fee, when applying for a permit:
 - (a) Location of all public and private airports and runways in relation to the location of the wind turbine.
 - (b) A report demonstrating the total size and height of the unit, the construction details of any structural foundation, a list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors, data specifying the kilowatt size and generating capacity in kilowatts of the particular unit, the maximum decibel level of the particular unit and a containment and disposal plan for any known hazardous materials.
 - (c) A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines, as well as soil and bedrock data.
 - (d) Evidence of established setbacks and "clear fall zone."
 - (e) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

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CHAPTER 15 – 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) 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) 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) 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) 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) 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) 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) Loudspeakers / Public Address System
 - (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.
 - (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.

Section 15002 – Certain Loud and Disturbing Noises in Residential Subdivisions Enumerated:

- (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:
- (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.
 - (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,
 - (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) 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) 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 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-2, Planned Commercial District, Planned Town Center District	All	65	90
M-2, EQ, Planned Industrial Districts	All	70	110

Section 15006 – Exceptions and Special Waivers:

- (A) Exceptions. The following uses of an activity shall be exempt from noise level regulations:
- (1) Noise of safety signals and warning devices.
 - (2) Noises resulting from any authorized vehicle, when responding to an emergency.
 - (3) Noises resulting from the provision of township services.
 - (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.
 - (5) The unamplified human voice.
 - (6) Parades and public gatherings for which a special waiver has been issued.
 - (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) 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 (C) Use exemptions. The following uses and activities shall be exempt from noise level regulations:
- (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.
 - (2) Non-amplified crowd noises resulting from the activities such as those planned by day care centers, schools, governmental or community groups.
 - (3) Amplified announcements, electronically amplified announcements at athletic or special events from 8:00 a.m. to 12:01 a.m.
 - (4) Agricultural activities.

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):

- (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.
- (B) Light fixtures or lamps shall be shielded / shaded in such a manner as to direct incident rays away from all adjacent property.
- (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.
- (D) Neither the direct nor reflected light from any luminaire shall create a disabling glare causing traffic hazards on public thoroughfares.
- (E) Lights on poles shall not be taller than the building whose area they illuminate nor taller than fifteen (15) feet whichever is shorter.
- (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.
- (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.
- (H) The level of lighting shall not exceed 0.5 foot-candles at any residential property line or 1.0 foot-candle at any nonresidential property line.
- (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.

- (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.
- (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.
- (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.
- (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.
- (E) Any luminaire on a pole, stand or mounted on a building must have a shield, an adjustable reflector and nonprotruding diffuser.
- (F) Building facade lighting shall not shine above the facades.

Section 15530 – Lighting Standards Exemptions:

- (A) Federal or state laws, rules and regulations take precedence over these provisions.
- (B) Fire, police, rescue, or repair personnel need light for temporary emergency situations.
- (C) Holiday lighting fixtures
- (D) Motion activated light fixtures located as follows:
 - (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.
 - (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.
- (E) Lots developed with single family dwellings provided outdoor lighting fixtures are 2000 lumens or less.
- (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.

CHAPTER 16 – 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

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) Adult entertainment establishments shall not be permitted within 1500 feet (measured from the closest property line of each use) of:
 - (1) A religious institution
 - (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
 - (3) A park, playground, or recreational facility attended by persons under eighteen (18) years of age
 - (4) Any residence
 - (5) The boundary of any residential zoning district
 - (6) A library
 - (7) A day care center
 - (8) Another adult entertainment establishment
- (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) Hard core material is not displayed publicly, as defined in the Definitions section of this Resolution.
- (D) No adult entertainment establishment shall be open for business prior to 10:00 a.m. or later than 11:00 p.m.
- (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) 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.

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) Hard core material shall be physically and visually separated from mainstream media and shall not be displayed publicly as defined in Article IV.
- (B) Separation shall be by a solid opaque-walled enclosure at least eight feet high or reaching to the ceiling.
- (C) 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) 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.
- (E) The hard core material section shall provide signage at its entrance warning that persons under the age of 18 are not permitted inside.
- (F) No adult arcades are permitted in mainstream media stores.
- (G) No more than one designated area for sexually oriented merchandise per store.
- (H) There shall be no exterior signs that advertise hard core or XXX media.

CHAPTER 17 - RESERVED

CHAPTER 18 - RESERVED

CHAPTER 19 - RESERVED

CHAPTER 20 – 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.
- (B) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (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”.
- (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.

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) Hard core material.
- (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:

- (A) Persons who appear in a state of nudity or semi-nudity;

- (B) Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;
- (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.

AGRICULTURAL PRODUCTION: Commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth; land devoted to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provide that at least fifty per cent of the feedstock used in the production was derived from parcels of land under common ownership or leasehold. Agricultural production includes conservation practices, provided that the tracts, lots, or parcels of land or portions thereof that are used for conservation practices comprise not more than twenty-five per cent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed under Section 929.02 of the Revised Code.

Agriculture – "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.

AGRITOURISM: An agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity

AGRITOURISM PROVIDER: A person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.

Alley – Any public way 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.

Anemometer – An instrument that measures the force and direction of the wind.

"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.

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

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.

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

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.

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.

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.

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.

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.

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.

Chassis – The steel undercarriage, supporting framework to which a dwelling is permanently attached.

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.

Clear Fall Zone – An area surrounding the wind turbine unit into which the turbine and -or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel.

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.

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.

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

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.

CONSERVATION PRACTICES: Practices used to abate soil erosion as required in the management of the farming operation, and include, but are not limited to, the installation, construction, development, planting, or use of grass waterways, terraces, diversions, filter strips, field borders, windbreaks, riparian buffers, wetlands, ponds, and cover crops for that purpose.

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.

Cowling – A streamlined removable cover that encloses the turbine’s nacelle.

Crushed fines – Crushed granite or other similar types of crushed rock, used for the surface of trails.

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.

Divergence – A legislative change to the standards of an individual Planned Unit Development (PUD)'s approved preliminary and/or final development plan or amendment thereof. The Board of Trustees shall conduct a formal review of the plan during their public hearing. The Board has discretion to determine whether requested Divergences are warranted based on the applicant's particular case. Divergences may be granted to any standards pertaining to the PUD whether or not the resolution specifically states that a divergence would be permitted, provided the Board of Trustees determine that the benefits, improved arrangement and the design of the proposed development justify the deviation from any requirements of this Resolution and that the proposed Divergence is consistent with the purpose and intent of this Resolution.

Dormer – A windowed wall area flanked on both sides by sloping roof areas

Dwelling – Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling, Manufactured Housing – A manufactured building or portion of a building designed for long-term residential use. This category includes, but is not limited to the following:

(A) Modular Unit – A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements which are to be incorporated into a structure at the site.

- (B) Sectional Unit – A dwelling made of two or more modular units transported to the home site, put on a foundation, and joined to make a single dwelling.
- (C) Manufactured Home – Manufactured housing built on a chassis. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, even when wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.
- (D) Manufactured Home, Double-Wide or Triple-Wide – A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.
- (E) Manufactured Home, Expandable – A mobile home with one or more room sections that fold, collapse, or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

Manufactured Housing does not include the sub-assembly methods of construction known as “pre-fab” or pre-cut, in which cases some portion of the preparation or sub-assembly may be done at the factory but not erected until at the foundation site.

Dwelling, Multi-Family – A dwelling or group of dwellings on one lot containing separate living units for three or more families, having separate or joint entrances, and including apartments, group homes, row houses, and condominiums.

Dwelling, Permanently Sited Manufactured Housing – A manufactured home that meets all of the criteria set forth in this Resolution.

Dwelling, Single Family – A detached residential dwelling or housing unit other than a mobile home, designed for and occupied by one family only, including permanently-sited manufactured housing, modular homes, and industrialized units.

Dwelling Unit – Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

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.

Economic Impact Statement – A document which details economically-based calculations regarding the likely financial impact of a proposed and/or existing development on the local school district(s), public utilities, public safety, fire protection, roads and other relevant public entities or services.

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: Land that is composed of tracts, lots, or parcels totaling not less than ten (10) acres devoted to agricultural production or totaling less than ten (10) acres devoted to agricultural production if the land produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production. (new 12/18/2019)

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.

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:

- (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”.
- (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.
- (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.
- (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.

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.

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 used 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

Fuel Station – A premises where the commercial sale of fuel(s) occurs.

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.

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.

Kennel – 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.

Lighting related definitions –

- (A) Canopy structure: Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
- (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) 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) Glare: Direct light emitted by a luminaire that causes reduced vision or momentary blindness.
- (E) Illuminance: The level of light measured at a surface.
- (F) Lamp: The component of a luminaire that produces the light.
- (G) Light direct: Light emitted directly by a lamp, off a reflector, or through a refractor of a luminaire
- (H) Light emitting surface: Any part of a fixture (lamp, diffusor) which emits light rays.

- (I) Light pollution: General sky glow caused by the scattering of artificial light in the atmosphere, much of which is caused by poorly-designed luminaries.
- (J) Light shield: Any attachment which interrupts and blocks the path of light emitted from a luminaire or fixture.
- (K) Light trespass: Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.
- (L) Lumen: A unit of measurement of luminous flux.
- (M) Luminaire: The complete lighting system, including the lamp and the fixture.
- (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) Luminaire permanent outdoor: Any fixed luminaire or system of luminaries that is outdoors and this is intended to be used for seven (7) days or longer.
- (P) Outdoor light fixtures: Outdoor artificial illuminating devices, installed or portable, used for floodlighting, general illumination, or advertisement.
- (Q) Roadway lighting: Permanent outdoor luminaries that are specifically intended to illuminate roadways for automotive vehicles.
- (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.

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.

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.

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.

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)

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.

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.
- (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.

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.

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.

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 hardcore 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.

Medical Marijuana Related Definitions:

- a) Cultivate. To grow, harvest, package, and transport medical marijuana pursuant to ORC 3796.
- b) Cultivator. An entity that has been issued a certificate of operation by the State of Ohio to grow, harvest, package, and transport medical marijuana as permitted under ORC 3796.
- c) Dispensary. An entity licensed pursuant to ORC 3796 and any rules promulgated thereunder to sell medical marijuana to qualifying patients and caregivers.
- d) Dispense. The delivery of medical marijuana to a patient or the patient's registered caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a patient as permitted by Ohio law in accordance with Ohio law.
- e) Manufacture. The process of converting harvested plant material into marijuana extract by physical or chemical means for use as an ingredient in a medical marijuana product.
- f) Marihuana / Marijuana. Has the same meaning as defined in ORC 3719.01, as amended from time to time.
- g) Medical Marijuana. Has the same meaning as defined in ORC 3796.01, as amended from time to time.
- h) Medical Marijuana Entity. A medical marijuana cultivator, processor, dispensary, or testing laboratory licensed by the State of Ohio.
- i) Medical Marijuana Processor. An entity that has been issued a certificate of operation by the State of Ohio to manufacture medical marijuana products.
- k) Testing Laboratory. An independent laboratory located in Ohio that has been issued a certificate of operation by the State of Ohio to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

Megawatt (MW) – A unit of power, equal to one million watts.

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.

Nacelle – Sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

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.

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.

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) By a college or university supported entirely or partly by taxation;
- (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) In a structure to which all of the following apply:
 - (1) 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) In order to participate in a class in the structure, a student must enroll at least three days in advance of the class.
 - (3) 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.

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 permissive. 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 and accessible by the public, 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 an approved 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

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 street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Pedestrian plaza – An open space that may be improved, landscaped, or paved usually surrounded by buildings or streets and available for pedestrian use.

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.

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.

Performance - Any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

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 manmade 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.

Professional Engineer – A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

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.

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:

- (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.
- (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.
- (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.
- (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.
- (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.

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).

Roadway, Public – Any Road, such as a highway, freeway, street and/or bike or multi-use path, maintained by a public authority and open to the public.

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.

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) Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.
- (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."

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) Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation, or sodomy;
- (B) 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.

Sign, Roof – A display sign which is erected, constructed and maintained above the roof of the building.

Sign, Temporary – A display sign, banner or other advertising device constructed on cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.

Sign, Wall – A display sign which is painted on or attached directly to the building wall and which extends not more than fifteen inches from the face of the wall.

Service Station – Any building, structure, or land used for the dispensing and sale at retail of any automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work.

Small Power Equipment – Any motorized or engine powered device, including but not limited to lawn mowers, lawn and garden tools, riding lawn tractors and power saws, excluding other motor vehicles.

Small Wind Project – Any wind project less than 5MW which includes the wind turbine generator and anemometer.

Solid Waste – Any unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations. This includes but is not limited to garbage, combustible and non-combustible material, street dirt, and debris. This definition specifically excludes earth or material from construction, mining, or demolition operations, and slag and other substances which are not harmful or inimical to public health. For purposes of this definition, “material from construction operations” and “material from demolition operators” 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.

Sound – A vibratory disturbance (including an oscillation) in the pressure and/or density of a liquid or gas or in the particular displacement of a solid or liquid. Such disturbance takes place at a rate between approximately 20 and 20,000 hertz (cycles per second); and the physiological perception of such a vibration of displacement.

Sound Amplifying Equipment – Any machine or device for the amplification of the human voice, music or any other sound. Sound amplifying equipment as used herein shall not be construed as including standard automobile radio when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

Sound Level – That which is measured with the "A" weighting network on a sound level meter unless otherwise specified.

Sound Level Meter – The instrument, meeting the requirements of ANSI S1.4-1971 Type II rating, used for making sound level measurements.

Sound Pressure – The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

Sound Pressure Level – The intensity in decibels (dB) of a sound.

Stationary Source – Any sound source operating or occurring on any public or private property, not including a public right-of-way

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.

Structure, Primary – For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

Subdivision

- (A) 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) 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.

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.

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.

Wind Power Turbine Owner – The person or persons who owns the Wind Turbine structure.

Wind Power Turbine Tower – The support structure to which the turbine and rotor are attached.

Wind Power Turbine Tower Height – The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.

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.

Appendix A – Millcreek Township Recommended Community Trees for Landscaping Plans

Purpose of Appendix A – Recommended Community Trees for Landscaping Plans:

The purpose of an appendix of desired tree lists for Community Trees to be *used* in conjunction with the Landscaping Plan requirements *outlined within* Article VII Planned Unit Developments, Article VIII Overlay Districts, and Article IX Design Standards.

Any tree planted by a builder or developer within a planned unit development or lands subsequently developed after rezoning to an overlay district, shall be considered a community tree. All such community trees shall be included in a landscaping plan that is part of any final development plan.

These regulations related to required size and type of plantings do not relate to development or landscaping within any standard agricultural or residential district unless required as screening plan within a conditional use permit. The Township does not permit, oversee, or otherwise enforce any activity related to tree planting nor

landscaping except as part of any rezoning application to a planned unit district, final development plan submission within an overlay district, and/or a conditional use permit regarding buffering and screening.

Per Section V, #10 of the Comprehensive Land Use Growth Plan of Millcreek Township, 2005, the Township advocates the principles of the National Arbor Society and recognizes the importance of healthy and plentiful trees within the Township.

Appendix A – Millcreek Township Recommended Community Trees for Landscaping Plans

Table A.01 – Recommended Tree List - Group A – Large Deciduous

Common Name	Scientific Name
Cypress, Bald	Taxodium distichum
Elm, Hybrid	Ulmus x spp.
Elm, Lacebark	Ulmus parvifolia
Gum, Black (Sour gum) or Black Tupelo	Nyssa sylvatica
Ginkgo (male)	Ginkgo biloba
Japanese Pagoda Tree	Sophora japonica
Katsura Tree	Cercidiphyllum japonicum
Kentucky Coffee tree	Gymnocladus dioica
Maple, Freemani	Acer x freeman
Maple, Norway	Acer platanoides
Maple, Red (Native)	Acer rubrum
Maple, Sugar	Acer saccharum
Oak, Bur	Quercus macrocarpa
Oak, Chinkapin	Quercus muehlenbergii
Oak, Red	Quercus rubra
Oak, Shingle	Quercus imbricaria
Oak, Shumard	Quercus shumardii
Oak, Swamp White	Quercus bicolor
Sassafras	Sassafras albidum
Silver Linden	Tilia tomentosa
Sweetgum (northern seed source for Zone 4)	Liquidambar styraciflua
Turkish Filbert (Turkish Hazel)	Corylus colurna

Table A.02 – Recommended Tree List – Group B – Medium Deciduous

Common Name	Scientific Name
Cherry, Sargent	Prunus sargentii
Honey locust** (Thornless/seedless varieties & cultivars)	Gleditsia triacanthos var. inermis
Maple, Hedge	Acer campestre

Maple, Purple Glow (Shantung Maple)	Acer truncatum
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Appendix A – Millcreek Township Recommended Community Trees for Landscaping Plans - *Continued*

Table A.03 – Recommended Tree List - Group C – Small Deciduous

Common Name	Scientific Name
Cherry, Higan or Autumnalis	Prunus subhirtella var. autumnalis
Dogwood, Flowering	Cornus florida L .
Japanese Tree Lilac	Syringa reticulate
Dogwood, Kousa	Cornus kousa
Serviceberry	Amelanchier canadensis
Serviceberry, Apple	Amelanchier x grandiflora
Hawthorn, Thornless Cockspur	Crataegus crusgalli var. inermis

Table A.04 – Recommended Tree List – Group D – Conifers

Common Name	Scientific Name
Cedar, Eastern Red	Juniperus virginiana
Pine, Eastern White	Pinus strobus
Pine, Virginia	Pinus virginiana
White Fir	Abies concolor
Spruce, Norway	Picea abies
Spruce, White	Picea glauca
Northern White Cedar (Arborvitae)	Thuja occidentalis
Dawn Redwood	Metasequoia glyptostroboides

It shall be the responsibility of the applicant to identify any species included on a Landscaping Development Plan that does not appear on one of the Preferred lists in the preceding tables. Within the Landscaping Development Plan, the applicant must provide verification of any such tree(s) as possessing traits like one or more of the trees listed within the Appendix A.

The Zoning Administrator, in consultation with appropriate area expert(s), shall include reference to any such deviation within a staff report included with the Landscaping Development Plan and overall submission to the Zoning Commission.

Appendix A – Millcreek Township Recommended Community Trees for Landscaping Plans - *Continued* **Table A.05 - Non-Desirable Tree List - (Prohibited / Invasive Species)**

Common Name	Scientific Name
Amur Cork	<i>Phellodendron amurense</i>
Apple	<i>Malus pumila</i>
Ash, Green	<i>Fraxinus pennsylvanica</i>
Ash, White	<i>Fraxinus americana</i>
Birch, Paper	<i>Betula papyrifera</i>
Birch, European White	<i>Betula pendula</i>
Buckeye, All types	<i>Aesculus species</i>
Buckeye hybrids including Red Horse-chestnut	<i>Aesculus x carnea</i>
Buckthorn, European	<i>Rhamnus cathartica</i>
Honey locust (Thorny/seeded varieties)	<i>Gleditsia triacanthos var. inermis</i>
Honeysuckle, Amur	<i>Lonicera maackii</i>
Honeysuckle, Japanese	<i>Lanicera japonica</i>
Honeysuckle, Morrow's	<i>Lonicera morrowii</i>
Honeysuckle, Tatarian	<i>Lonicera tatarica</i>
Elm, Moline American	<i>Ulmus Americana "Moline"</i>
Elm, Siberian	<i>Ulmus pumila</i>
Ginkgo (female)	<i>Ginkgo biloba</i>
Locust, Black	<i>Robinia pseudoacacia</i>
Maple, Box Elder	<i>Acer negundo</i>
Maple, Silver	<i>Acer saccharinum</i>
Mulberry (all species)	<i>Morus species</i>
Northern Catalpa, Northern	<i>Catalpa speciosa</i>
Oak, Upright English	<i>Quercus robur "fastigiata"</i>
Oak, Sawtooth	<i>Quercus acutissima</i>
Olive, Russian	<i>Elaeagnus angustifolia</i>
Olive, Autumn	<i>Elaeagnus umbellate</i>
Osage Orange, Horse Apple, or Hedge Apple	<i>Maclura pomifera</i>
Pear, Bradford or Chinese Callery Pear	<i>Pyrus calleryana "Bradford"</i>
Poplar (all species)	<i>Populus species</i>
Tree of Heaven	<i>Ailanthus altissima</i>
European Mountain Ash, European Mountain	<i>Sorbus aucuparia</i>
Rose, Multiflora	<i>Rosa multiflora</i>
Willow (all species)	<i>Salix species</i>

Any Tree included on, or flagged to be included upon the next issuance of, the most recent classification of Invasive Species or Noxious Weeds by the Ohio Department of Agriculture

<https://agri.ohio.gov/wps/portal/gov/oda/divisions/plant-health/invasive-pests/invasive-plants>

Appendix B – Economic Impact Statement

As required herein, an economic impact statement shall be accepted only if the Township feels the following questions have been adequately addressed for a projected 25 year period.

- (1) What is the projected assessed value and taxable value of all new construction?
- (2) What are the special and demographic characteristics of the proposed development, including:
 - (a) Projected population or service capacity,
 - (b) Target age group(s),
 - (c) Target service area, for any non-residential uses, and (d) Other characteristics?
- (3) What is the projected level of service impact on infrastructure versus existing infrastructure capacity and any improvements that are being made with the proposed development relative to the following:
 - (a) Parks and recreation, and
 - (b) Public utilities (power, water, sewer, etc.)
- (4) What is the expected tax revenue versus projected expenses relative to the following:
 - (a) Local school district(s),
 - (b) Public safety,
 - (c) Fire protection,
 - (d) Roads, and
 - (e) Other relevant public entities or services?
- (5) What costs and benefits will the township experience as a result of the proposed development?
- (6) What costs and benefits will the county/region experience as a result of the proposed development?
- (7) Other relevant information, as requested by Zoning Commission/Trustees.

Such statement should be based on factual information provided by local agencies. Applicable portions of the statement shall be presented to the local school district(s), Union County Sheriff's Office, Jerome Township Fire Department, Union County Engineer's Office and all public utilities along with the request for service letters.