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CHAPTER 1 - PURPOSE, TITLE, APPLICABILITY, INTERPRETATION & LEGAL EFFECT

1-1 AUTHORITY AND PURPOSES

This Resolution is adopted by the authority granted to the Township in Chapter 519 of the Ohio Revised Code. The regulations herein are in the interest of the public health and safety, and of the public convenience, comfort, prosperity or general welfare, and are adopted in accordance with the Township’s comprehensive plan.

1-2 TITLE

This Resolution shall be known and may be cited and referred to as the "Sycamore Township Zoning Resolution," "Zoning Resolution" or "Resolution."

1-3 JURISDICTION

These provisions shall apply to all land areas of Sycamore Township. Those areas are indicated on the Official Zoning District Map(s) on file with the office of Sycamore Township.

1-4 INTERPRETATION

The provisions of this Resolution shall be construed to achieve the purposes for which they are adopted. In interpreting and applying the provisions of this Resolution, these provisions shall be held to be the minimum requirements for the promotion of public health, safety, morals, convenience, comfort, prosperity and general welfare. It is not intended by this Resolution to interfere with or abrogate or annul any easements, covenants, building restrictions or other agreements between parties. However, where this Resolution imposes a greater restriction upon the use of buildings or premise or upon the height of buildings, or requires larger open spaces than are imposed or required by other laws, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Resolution shall govern. For the purposes of this Resolution, the following additional rules of interpretation shall apply:

- A. In the event of a conflict between the text of these provisions and any caption, figure, illustration, table, or map, the text of these provisions shall control.
- B. The words "shall", "must," and "will", as used in these provisions, are mandatory and indicate an obligation to comply with the particular provisions to which they apply.
- C. The word "may" as used in these provisions is permissive.
- D. Words used or defined in one tense or form shall include other tenses and derivative forms.
- E. Words used in the singular shall include the plural and words used in the plural shall include the singular unless the context of the particular usage clearly indicates otherwise.
- F. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- G. Headings and captions used throughout this Resolution are for convenience and reference only and shall in no way be held to explain, modify, amplify, or aid in the interpretation or meaning of any provision in this resolution. Statements of intent or purpose statements used throughout this resolution are for general information only and shall in no way be held to be requirements or standards.

1-5 SEVERABILITY

It is hereby declared to be the intent of the Township that nothing in this Resolution shall be construed to conflict with the laws of the State of Ohio or to limit additional requirements, if any, imposed by law. This Resolution and the various articles, sections, paragraphs, sentences, clauses or phrases are severable. If any article, section, paragraph, sentence, clause or phrase of this Resolution shall be declared unconstitutional by

the decree of any court of competent jurisdiction, such constitutionality shall not affect any of the remaining articles, sections, paragraphs, sentences, clauses or phrases of this Resolution.

1-6 REPEAL OF PREEXISTING ZONING RESOLUTION AND ESTABLISHMENT OF ZONING DISTRICTS

- A. The Zoning Resolution previously in effect in Sycamore Township, together with all Zoning District Maps which are a part of such Resolution, is hereby superseded and amended to read as set forth in this Resolution. However, this Resolution, including the Zoning District Maps, shall be deemed a continuation of the previous Resolution and not a new enactment, insofar as the substance of revisions of the previous Resolution are included in this Resolution, whether in the same or different language. This Resolution shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by the previous Resolution, to questions of conforming and nonconforming uses, buildings and structures, and to questions as to the dates upon which such uses, buildings or structures become conforming or nonconforming.
- B. ~~The Planned Unit Development (PUD) Overlay District~~ Site Plan Review, as provided for in Chapter 18, is hereby adopted as a zoning district map amendment to the official zoning map and is applicable to all land within the jurisdiction of these regulations in accordance with the provisions of Chapter 18 and Section 3-2.

- C. Any restrictions, covenants, agreements, easements or any other conditions which were placed on any parcels of real property under the prior Zoning Resolution by any person, board, commission, court or otherwise, prior to the effective date of this Resolution, whether in the granting of a variance, conditional use permit, or for any other reason, shall continue in effect and be retained. Adjustments and revisions shall be administered in accordance with procedures provided for in this Resolution.

Table 3-

1-7 INITIAL EFFECTIVE DATE

This Resolution shall be in full force and effect from and after the earliest period allowed by law.

CHAPTER 2 – DEFINITIONS

2-1 DEFINITIONS GENERALLY

For the purposes of this Resolution, certain terms and words are defined and are used in this Resolution in that defined context. Any words not herein defined shall be construed as defined in the Hamilton County Building Code and in normal dictionary usage.

2-2 ADDITIONAL DEFINITIONS

Additional definitions relating to specific portions of this Resolution are found in the appropriate chapter and section to which the word or terms relate.

2-3 DEFINITIONS

For the purposes of this Resolution, the following terms shall have the following meanings:

A - Definitions

Abutting. Having a common border with, or being separated from such common border by, an alley or easement.

Abandoned Junk Motor Vehicle. Abandoned junk motor vehicle means any motor vehicle meeting all of the requirements established in the Ohio Revised Code Section 4513.63

Accessory Apartment. A single dwelling unit apartment intended for use as a complete independent living facility that is in the same structure as, under the same ownership as, and subordinate to a residence constructed as a single-family residence, and with one of the two dwelling units occupied as the principal residence of the owner.

Accessory Dwelling. Temporary detached living quarters on a single-family lot subordinate in size, location, and appearance to the primary residence and providing complete housekeeping facilities for the exclusive use of the occupants. The owner of the principal residence and lot must live in one of the dwelling units on the lot and at least one occupant of the principal residence and one of the unit must be related by blood, marriage, adoption or other legal relationship.

Accessory Use or Structure. An accessory structure or use: (1) is subordinate to and serves a principal building or a principal use; (2) is subordinate in area, extent and purpose to the principal structure or principal use served; (3) contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served; and (4) is located on the same lot as the principal structure or principal use served, except as otherwise expressly authorized by the provisions of this Resolution. An accessory structure attached to a principal building and that is located six feet (6) or less, and attached to the existing roofline of the principle shall be considered part of the principal building.

Adjustment (of Plans). A change in the development plan wherein written conditions or recorded easements are not modified and the revised (adjusted) plan is in substantial conformity with the intent of the previously approved plan ~~(PUD's, S-PUD's, and SPI's).~~

Administrative Official. Primary responsibility for administering the duties of the Sycamore Township Zoning Commission as required by this Resolution may be assigned to one or more individuals by the administrative head of the Sycamore Township Zoning Commission. The staff person or persons to whom such administrative functions are assigned shall be referred to in this resolution as the "Administrative Official." (See responsibilities in Section 19-[56, Administrative Official](#)).

Aggrieved Party or Person. Any person with a fee or equitable ownership of property located in the Township, or any adjacent or neighboring property owner who would be especially or particularly damaged or affected by a decision of the Township under this Zoning Resolution or any action taken in connection therewith.

Agriculture, Rural. (1) Farming, ranching or pasturage; (2) Agriculture, aquaculture and fishing lakes, horticulture, ornamental horticulture, floriculture, viticulture and wine-making, olericulture, pomiculture; (3) Production or cultivation of land for mushrooms, timber, nursery stock, sod, tobacco, field crops, and without limitation, other such agricultural and horticultural commodities; (4) Dairying, and dairy production; (5) Animal or poultry husbandry, and the production of poultry and poultry products, livestock, equine or forbearing animals, and wildlife native to this state, including breeding, raising, shearing, grazing or other feeding; (6) Beekeeping and related apiarian activities and the production of honey, beeswax, honeycomb, and related products; (7) Any activities listed in (1)-(6) above when carried on by agriculturally oriented groups such as 4-H Clubs, Future Farmers of America; (8) On-site storing, handling, and processing incidental to the production of the foregoing agricultural or horticultural products or commodities; (9) Accessory uses and activities directly related to any of the activities listed in (1)-(8) above including wholesale selling of products, commodities and animals; (10) Farm markets where fifty per cent or more of the gross market income is derived from produce raised on farm(s) owned or operated by the market owner, in a normal crop year. The term "rural agriculture" shall not include suburban agriculture.

Agriculture, Suburban. (1) Farming, pasturage, horticulture, floriculture, or viticulture on lots of one acre or less in platted subdivisions, or in unplatted subdivisions with 15 or more lots that are contiguous or separated only by right-of-way, where at least 35% of the lots are developed; or (2) dairying, and animal or poultry husbandry on lots of five acres or less in any platted subdivision, or in any unplatted subdivision resulting in 15 or more lots, each smaller than five acres and contiguous or separated only by right-of-way, where at least 35% of the lots are developed.

Alley. A public or private way which is less than thirty (30) feet wide, is dedicated for public use by vehicles and pedestrians and which affords only a secondary means of access to abutting property.

Apartment: See "[Residential Dwelling, Multi-Family](#)".

Assisted Living. An institution, residence or facility licensed by the State of Ohio that provides accommodation and personal assistance to more than three residents who are dependent on the services of others by reason of age and physical or mental impairment, but that is not licensed to provide skilled nursing care.

Athletic/Playfield, Private. An outdoor athletic field or play field operated by a nonprofit club, association, or other nonprofit organization.

Auditorium. A room, hall, or building used for public gatherings.

Automated Teller Machine (ATM). A drive through or walk-up structure, affiliated with a bank or credit union, which dispenses money or permits monetary deposits without interaction with a human.

Automobile Service. A structure, along with surrounding land and related equipment, where minor motor vehicle work is conducted including on-site greasing and oiling, tire changing and replacement, and installation of minor parts and accessories. The term does not include major repair work such as engine removal or replacement, body and fender repair, spray painting, upholstery work, auto glasswork, welding, tire recapping, auto dismantling or major mechanical repair.

B - Definitions

Bar. A use primarily functioning as an alcoholic beverage consumption establishment or tavern, serving customers on the premises.

Basement. A story having more than one-half (½) its height above grade. A basement is counted a story for the purpose of height regulation. See “Story” for graphic.

Bed and Breakfast. A private owner-occupied residence with one to three guest rooms contained within that structure and operated so that guests reside at the home for not longer than two continuous weeks. No kitchen facilities may be provided for use by guests.

Board. The Board of Township Trustees of Sycamore Township.

Board of Zoning Appeals. The Sycamore Township Board of Zoning Appeals as established by this Resolution. The Board of Zoning Appeals is a commission of five Township residents appointed by the Trustees. This board acts autonomously on proposed variances and appeals. Because no Zoning Resolution can encompass all possibilities, the board makes decisions on specific regulations to allow a deviation from the exact "letter of the law."

Buffer or Buffer Yard. An area of healthy and viable vegetation, natural or planted, adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening and softening the effects of the land use. No part of this buffer is to be used for active recreation, parking, or interior access drives. A buffer may include a wall, fence or berm, connecting driveways, underground utilities and permitted signage as provided in accordance with the provisions of Chapter 14, Buffer Yards and Resource Protection or any other related chapter.

Buffer, Boundary. A linear area adjacent to the side and/or rear property line that is set aside to separate, screen, and soften the detrimental impacts of different uses or intensities upon one another and upon the surrounding neighborhood properties.

Buffer, Streetscape. A linear area adjacent to the front property line extending from side lot-line to side lot-line that is set aside to shield or enhance views into the parking lot, establish coordination among diverse buildings, setbacks and uses, to define the street and access points, to retain the quality of the environment by providing appropriate vertical mass in keeping with dimensions of horizontal voids, and to diminish the presence of wires/poles, lights and other clutter along the public right-of-way.

Buildable Area. Space remaining on a lot after the minimum zoning requirements for yards, setbacks, coverage and allowances for panhandles, easements and restrictions have been met.

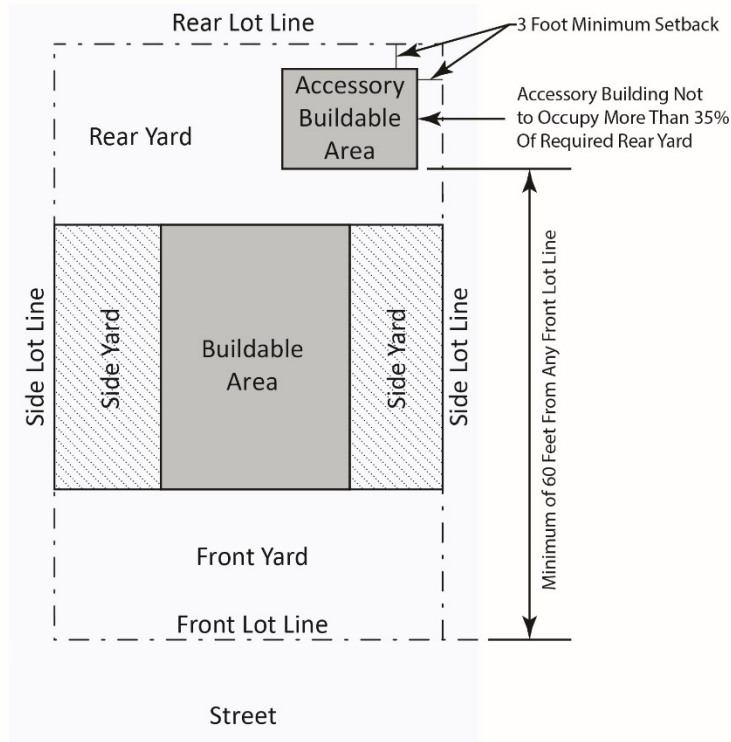


Figure 2- 1 - Buildable Area

Building. A temporary or permanent structure having a roof supported by walls and which can be used for the shelter, housing, or enclosure of persons, animals, motor vehicles, boats and other goods.

Building, Height of. The vertical distance from the average grade of the property to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs excluding elevator shafts, chimneys and antennas.



Figure 2- 2 - Height of Building

Building Line. The line indicating the minimum horizontal distance required between the ~~street right-of-way~~building line and the building or any projection thereof other than a step or uncovered porch.

Building, Principal. A building containing the principal use of the lot.

Building, Viewed Height of. The height of a building as viewed from a public right-of-way.

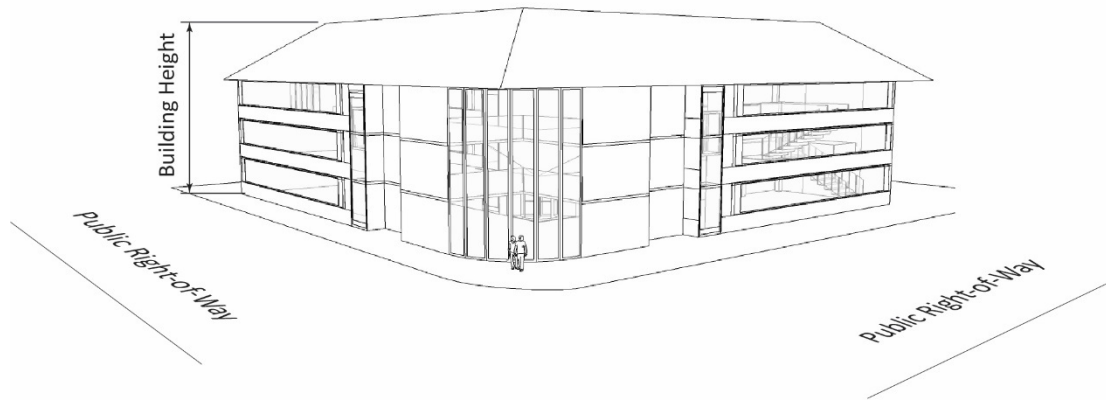


Figure 2-3 – Viewed Height of Building

Bulk. The three dimensional space occupied by a structure or building, defined by its height, width, and depth.

Business. An occupation, enterprise, undertaking or employment which engages in the purchase, sale, barter or exchange of goods, wares, merchandise or services.

C - Definitions

Caliper. A measurement of the size of a tree equal to the diameter of its trunk measured four (4) inches above natural grade for trees having calipers less than or equal to six (6) inches diameter; and measured as the diameter at breast height (DBH of 4 ½ feet above grade) for tree calipers greater than six (6) inches diameter.

Campground. Any land or open-air location where one or more persons erect or occupy a temporary shelter, such as a tent or recreational vehicle, providing outdoor recreational facilities, for a temporary period of time; includes camps and summer camps.

Cellar. A story having more than one-half (½) of its height below grade. A cellar is counted as a story for the purpose of height regulation only if used for purposes other than storage, utilities or the quarters of a janitor or watchman employed on the premises. See “Story” for graphic.

Cemetery. An area of land set apart for the sole purpose of the burial of bodies of dead persons or animals, and for the erection of customary markers, monuments, and mausoleums.

Church/Place of Worship. A building used principally for religious worship.

Clinic, Medical, Dental or Optical. A use or structure intended or used primarily for the testing and treatment of human medical, dental, or optical disorders, but not including overnight boarding of patients.

Club. A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, educational, recreational, charitable, political, patriotic or athletic purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Club, Private. Lands and facilities operated by or for a group or association of persons, and their guests, which are not available for unrestricted public access or use.

College or University. An institution of higher education authorized by the State to offer baccalaureate or graduate degrees.

Commercial Activity. An occupation, employment or enterprise which is carried on for profit by the owner, lessee or licensee, except for activities carried on by a not-for-profit organization which utilizes the proceeds of such activities solely for the purposes for which it is organized.

Commercial, Office. A use or structure where business or professional services are made available to the public, including but not limited to: financial institutions, tax preparation, accounting, architectural, legal services, medical laboratories, optical laboratories, dental laboratories, psychological counseling, real estate and securities brokering, professional consulting services, but not including the cutting or styling of hair, or recreational facilities or amusements.

Commercial, Retail Business (Sales and Service). A building, property, or activity, the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer. In addition, it shall include the provision of personal services, including but not limited to: barber shops, beauty parlors, laundry and dry cleaning establishments, tailoring shops, shoe repair shops and the like. Retail Business Commercial shall be divided into three categories, based on intensity:

- A. Convenience Retail means retail establishments generally less than 2,500 square feet in size which offers a product mix which typically includes dairy, bakery, snack foods, beverages, tobacco, grocery, health and beauty aids, confectionery, newspapers and magazines, prepared foods to go, and limited produce items for sale to the general public.
- B. Local Retail means retail establishments generally between 2,500 and 20,000 square feet selling a goods or merchandise to the general public for personal or household consumption. This category typically includes drug stores, book stores, office supply stores and specialty stores and specialty grocery stores.
- C. Regional Retail means retail establishments greater than 20,000 square feet selling a goods or merchandise to the general public for personal or household consumption. This category includes discount and department stores, specialty stores, grocery stores/supermarkets, home improvement centers, outlet stores and warehouse clubs.

Compost Bin. A fixed or moveable structure made up of fencing or other material for the purpose of containing and cultivating compost.

Conditional Use. A use permissible within a district other than a principally permitted or accessory use, requiring application for a Conditional Use Certificate and approval by the Board of Zoning Appeals as stated in Chapter 17, Conditional Uses.

Consolidation by Deed. The transfer of multiple parcels into one (1) parcel for the intent of receiving one (1) property tax bill.

Consolidation by Plat. The transfer of multiple parcels into one (1) parcel and providing a new legal description for the purpose of one (1) property tax bill.

Construction Debris. Those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including but not limited to houses, buildings, industrial or commercial facilities, or roadways and as regulated in the Ohio Revised Code.

Continuing Care Services Residential Care Facility (or Life Care). Continuing Care Services Residential Care Facility or Life Care means an institution, residence or facility licensed by the State of Ohio that provides accommodation and personal assistance to more than three residents who are dependent on the services of others by reason of age and physical or mental impairment, and that is licensed to provide skilled nursing care.

Correctional Facility. A facility for the confinement of persons held in lawful custody.

Cultural Facility. Establishments providing cultural, historic, or educational services to the public and which are not operated for profit. Typical uses include museums, outdoor drama theaters (not drive-ins), botanical gardens, and zoos.

D - Definitions

Day Care, Adult. A place that provides community based programs designed to meet the health, social and related needs of functionally impaired adults during daytime hours.

Day Care Center, Child. Any place in which child day care is provided, with or without compensation, for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven (7) or more children at one time or four (4) or more children under two years of age at one time. For the purposes of this definition, any children under six years of age who are related to the provider of child day care and who are on the premises shall be counted.

Day Care, Child Type A. A permanent residence of the administrator in which child day-care is provided for seven (7) to twelve (12) children at one time or for four (4) to twelve (12) children at one time if for the latter four (4) or more children are under two years of age. Any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

Day Care, Child Type B. A permanent residence of the provider in which child day-care is provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two years of age at one time. Any children under six years of age who are related to the provider and who are on the premises shall be counted.

Density, Net. The quotient of the total number of dwelling units divided by the area of the site consisting of the gross area minus the area for rights-of-way and easements for public streets expressed in net dwelling units per acre. For calculation of preliminary or conceptual plans where actual location and area of right-of-way is not yet determined, the net density shall be based on eighty-two percent (82%) of the gross area.

total number of dwelling units/total gross acreage (less R.O.W. and easements for public streets) = net density

Developer. Any person seeking approval under these provisions for any form of development.

Development. Any manmade change to improved or unimproved real estate that requires a Zoning Certificate or other approval under this Resolution. For the purposes this Resolution, the following activities or uses shall be considered “development”:

- A. The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water.
- B. A change in the intensity of use of land such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
- C. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land.
- D. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- E. Subdivision of land.

Development includes all other activity customarily associated with it. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, is not development. Reference to particular types of operations is not intended to limit the scope of this definition.

Development Plan, Preliminary. A plan for the specific development and specific use of a parcel ~~as a planned unit development~~ pursuant to the requirements of Chapter 18, ~~Planned Unit Development Overlay and PUD Site Plan Review~~ Procedures, submitted prior to the submission of a final development plan and indicating such items and features as are required pursuant to the provisions of Chapter 18, ~~Planned Unit Development Overlay and PUD Site Plan Review~~ Procedures.

Diameter at Breast Height (DBH). A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half (4½) feet above natural grade.

Disability. With respect to an individual (a) a physical or mental impairment that substantially limits one or more major life activities of such individual; (b) a record of such impairment; or (c) being regarded as having such an impairment; all of which is more fully defined in 42 U.S.C. §12102.

District, Zoning. Those portions of Sycamore Township established pursuant to Chapter 3 within which certain regulations and requirements apply pursuant to the provisions of this Resolution. ~~The administrative approval of planned unit developments (PUD 1 or PUD 2) within the Planned Unit Development Overlay District shall neither create a new district under the provisions of this Resolution nor be deemed an amendment to this Resolution for the purpose of Section 519.12 of the Ohio Revised Code.~~

Drainage Way. A minor watercourse identified by the presence of an intermittent or perennial waterway or by the presence of the following seasonally saturated soil types as identified by a soil survey prepared by the U.S. Department of Agricultural, Soil Conservation Service: Ave Silt Loam; Avonburo Silt Loam, Dana Silt Loam; Fincastle Silt Loam; Henshaw Silt Loam; Markland Silt Clay Loam; Patton Silt Clay Loam; Raub Silt Loam; Rossmore Silt Loam; Wakeland Loam; Xenia Silt Loam, and also including any area of less than one-quarter acre which meets the definition of a wetland as defined herein, except for size.

Drip Line. The perimeter of the circular area surrounding the trunk of a tree measured as one (1) foot of radius from the centerline of the trunk for each one (1) inch caliper or a vertical line extending from the outermost branches of a tree to the ground.

Drive, Access. The connecting access linkage between any roadway and off-street parking area having no parking along the drive.

Drive, Entry. That part of an access drive leading to an off-street parking area that encompasses the first thirty (30) feet from the right-of-way or easement of the street and a parking setback of eight (8) feet from the curb or pavement of the drive.

Drive, Private. A shared means of vehicular ingress and egress located within an easement of access serving two (2) to six (6) lots, not dedicated to the Township by recorded instrument that is maintained by the party or parties using such private drive for private access.

Driveway. A private way, other than a street or alley, to one lot of record for the use of vehicles and pedestrians.

Drive-In or Drive-Through Facility. An establishment or facility that by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product or to be entertained while remaining in a motor vehicle on the premises.

Dwelling. Any structure or portion thereof which is designed or used for residential purposes

Dwelling Unit. A single unit of one or more rooms providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, but not including a tent, cabin, recreational vehicle or other temporary or transient structure or facility. A Dwelling unit shall include a Modular Industrialized Unit but shall not include a Manufactured HUD Unit, a Mobile home or recreational vehicle and camping equipment.

E - Definitions

Easement. A recorded right or privilege of a person, other than the owner or tenant, to use land for a specific purpose.

Easement of Access. An easement for immediate or future use, to provide vehicular access and accommodation for utilities, from a street to a lot, a principal building or an accessory building.

Educational Facilities (Public and Private). Any building used for education or instruction on an elementary or secondary level, approved under the regulations of the State

Equine. A horse, pony, mule or ass.

Effective Date. The date that amendments to this zoning resolution were effective.

Effective Date, Initial. The date that this Zoning Resolution was first established and in effect as specified in Section 1-7, Initial Effective Date, of this Resolution.

F - Definitions

Family. See “Household”.

Family Home. See “Group Home”.

Farm Market. The use of any land for a roadside produce stand where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year and provided that the structure shall not exceed eight-hundred (800) square feet and such structure and parking areas shall be at least sixty (60) feet from every property line of adjacent parcels in residence districts; and that a sign advertising such products shall not exceed twelve (12) square feet in area.

Festival, Temporary. A time of celebration, characterized by a program of cultural events or entertainment, which takes place for a specified, temporary duration.

Financial Institution. A building, property or activity, the principal use or purpose of which is the provision of financial services, including but not limited to banks, facilities for automated teller machines ("ATMs"), credit unions, savings and loan institutions and mortgage companies which are insured by the Federal Deposit Insurance Corporation (FDIC) or the National Credit Union Administration (NCUA). "Financial Institution" shall not include any use or other type of institution which is otherwise listed in the Table of Permissible Uses for each category of zoning district or districts under this Resolution.

Flood Elevation, 100 Year. The elevation of a flood event that has a 1% probability of occurring in any given year.

Floodplain. A floodplain is an area contiguous to a lake, pond, or streambed whose elevation is greater than the normal waterpool elevation but equal to or lower than the projected 100-year flood elevation. An inland depressional floodplain is a floodplain not associated with a stream system to which surrounding lands drain causing periodic inundation by storm waters. See definition of Special Flood Hazard Area.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Flood Fringe. The area of the base floodplain outside the floodway.

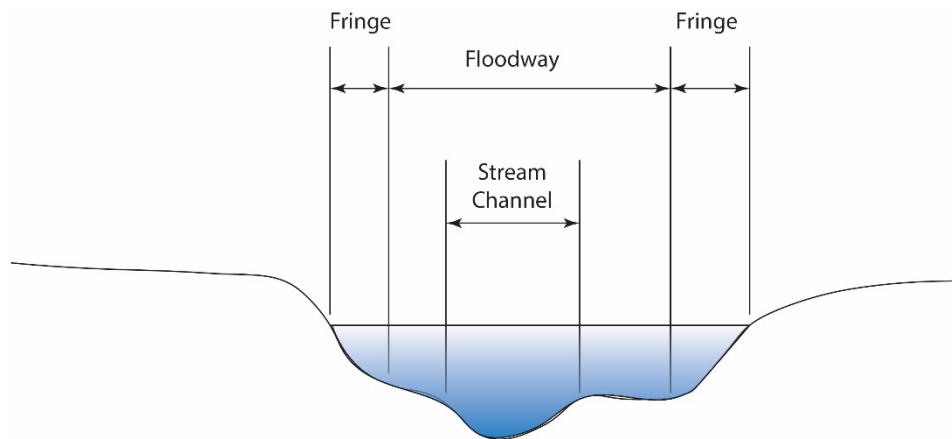


Figure 2- 4 - Floodway, Flood Frings and Floodplain

Floor. The top surface of an enclosed area in a building (including the basement), such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

Floor Area, Gross. The sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the centerline of party walls, including the floor area of accessory buildings and structures.

Floor Area, Net. The sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the centerline of party walls, including the floor area of accessory buildings and structures. The term does not include any area used exclusively for the parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space or areas occupied by mechanical equipment, toilet or rest rooms.

Footcandle. A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) standard candle.

Forest. An area with a minimum of 5 acres of continuous woods having a minimum one-hundred twenty (120) feet width, with at least seven percent (7%) of the land area containing trees with a diameter breast height of four inches or more. (Source: Forest Tax Law of Ohio)

Frontage, Building. The length of an enclosed building facing a public or private street.

Frontage, Street or Lot. The portion of a lot along the right-of-way line of any adjoining improved, unlimited access public thoroughfare.

G - Definitions

Garage, Private. An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing the privately owned motor vehicles, boats and trailers of the family or family's resident upon the premises, and in which no business, service or industry connected directly or indirectly with motor vehicles, boats and trailers is carried on.

Garage, Storage. Any building or premises used for storage of motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

Government Facility. Any building or structure used by government for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials. Government Facility includes but is not limited to: police and fire stations, libraries, post offices, Township Government Building, and similar uses and facilities.

Grade. A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

Granny Cottage. See "Accessory Dwelling".

Greenhouse. A glassed or translucent enclosure used for the cultivation or protection of plants.

Group Home. A conditionally permitted residential facility licensed under O.R.C. Sections 5119.34, 5123.19, or 5103.0318, that provides accommodations, supervision, and personal care services for a certain number of unrelated individuals as set forth in the Ohio Revised Code.

H - Definitions

Halfway House. A home for parolees, releasee's, or prisoners otherwise released from a correctional institution that is licensed by the state division of parole and community services and operated by a private, nonprofit organization or a governmental agency that houses such persons during a part or for the entire period of the offender's or parolee's conditional release or of the releasee's term of post-release control.

Handicap. See "Disability"

Heliport. A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, but not including the regular repair or maintenance of such aircraft or the sale of goods or materials to users of such aircraft.

Hobby Breeder. One who breeds occasional litters of dogs, cats, or other household pets for recreation and the primary purpose of, but not limited to, improving the physical and mental soundness of the breed and who may prove their breeding program by exhibiting in conformation, hunting, performance, or other tests.

Home Occupation. Any occupation or profession conducted entirely within a dwelling and carried on by the inhabitants thereof, and which is an accessory use clearly incidental and secondary to the use of the structure for dwelling purposes in connection with which there is no product display that will indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling. Home occupations shall not include any retail or wholesale business of any kind or any similar intensity of activities regardless of remuneration involving in-person transactions on the premises. See Section 10-4, Home Occupations.

Hospital. An institution providing health services and medical or surgical care to persons, primarily temporary in-patients, with illness, disease, injury, deformity, or other physical or mental condition, and including as an integral part of the institution related facilities such as laboratories, out-patient facilities or training facilities. "Hospital" does not include institutions for the permanent care of, or occupation by, the poor, infirm, incurable or insane.

Hotel or Motel. A building containing more than four individual rooms for the purpose of providing, for periods not exceeding thirty days, overnight lodging facilities to the general public for compensation with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception.

Household. "Household" means a person living alone or two or more persons living together as a single housekeeping unit as distinguished from two or more persons living together in any congregate housing, medical assistance housing, or social service housing uses as may be identified in this Zoning Resolution. For purposes of this Zoning Resolution, the following shall create a rebuttable presumption that the group is not a single housekeeping unit:

- A. Keyed lock(s) on any interior door(s) to prevent access to any area of the dwelling unit with sleeping accommodations.
- B. Members of the group have separate leases, or sub-leases and/or make separate rent payments to a landlord.
- C. The group significantly reforms over the course of a twelve (12) month period by losing and/or gaining members.

I - Definitions

Impervious Surface. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks and paved recreational facilities and compacted gravel.

Impervious Surface Ratio (ISR). The total area of impervious surfaces divided by the net area (excluding right-of-way) of the lot.

Industrial Use. The assembly, fabrication or processing of goods and materials; or any operation or facility including buildings, equipment structures, or stationary items used for industrial purposes.

Industrial, Light. The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot which such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed twenty-five percent (25%) of the floor area of all buildings on the property. "Light industrial" shall not include hazardous materials treatment and storage facilities, agricultural industries, plating or enameling, pilot plants, prototype production plants, abattoirs, tanning and fur finishing, or petroleum and gas refining, or any use which is otherwise listed specifically in the Table of Permissible Uses for each category of zoning district or districts under this Resolution.

Industrialized Unit (Modular). A modular structure which complies with the standards and specifications for Industrial Units of Closed Construction, as provided for by the Ohio Basic Building Code as amended and as authorized by the Board of Building Standards pursuant to Ohio Revised Code Section 3781.01 et seq. as amended and to which is affixed a permit, sticker, plate or other recognized, official identification indicating such compliance. The structure is composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Institutional Use. A building, structure or land used for educational, religious, human care or similar types of public or quasi-public purposes. This category shall include but not be limited to schools, universities, churches and other places of worship, cemeteries, correctional facilities, halfway houses, nursing and convalescent homes, day care centers, continuous care retirement facility and hospitals.

Interior Parking Lot Landscaping. An area set aside, usually as an island in a parking lot, to provide environmental relief. The interior buffer will help to define spaces and indicate directions for pedestrian and vehicular circulation.

Internet Cafe. An Internet Café or cybercafé is a place which provides internet access to the public, usually for a fee. These businesses usually provide snacks and drinks, hence the café in the name. The fee for using a computer is usually charged as a time-based rate. This use does not include viewing or ability to view pornographic or sexually oriented materials.

Internet Sweepstakes Cafe. An internet sweepstakes café or sweepstakes café promotes the sale of prepaid internet time cards or phone cards or similar device to retail customers in varying amounts for use at its business location which entitle each cardholder to participate in sweepstakes. The sweepstakes system allows a customer to use the phone card or internet time cards or similar device at a game terminal to browse the internet or participate in games which reveal sweepstakes entries, prizes, prize values or the like.

J - Definitions

Junk Vehicle. See ~~VEHICLE, INOPERABLE OR ABANDONED~~ Abandoned Junk Motor Vehicle.

K - Definitions

Kennel, Commercial. A structure or premises used for the housing, grooming, breeding, boarding, training, selling or other animal husbandry activities for dogs, cats or other animals for financial or other compensation.

Kennel, Private. The home and premises of a hobby breeder.

L - Definitions

Lake. A natural or artificial body of water encompassing an area of two (2) or more acres, which retains water year round.

Landscaping. The improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

Land Use Plan. A plan, or any portion thereof, adopted by the Board of Township Trustees showing the general location and extent of present and proposed land uses and transportation facilities, including housing, industrial and commercial uses, highways and roads, parks, schools and other community facilities. This Plan establishes the goals, objectives and policies of the Township for consideration in development approvals.

Light, Cutoff. An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

Light, Non-Cutoff. An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground, as illustrated in Section 12-7, Outdoor Lighting.

Lighting, Outdoor. Any source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public streets by a government agency or public utility.

Livestock. Hoofed mammals, including but not limited to horses, cattle, sheep, swine, goats, bison, llamas, and other species typically raised for food, fiber or draft. Also includes domestic fowl (chickens) and game birds.

Lot. A parcel of land resulting from the subdivision of a larger parcel of land and occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such access ways, parking area, yards, and open spaces required under the provisions of this Resolution. The figure below graphically identifies the types of lots identified and defined in this Resolution.

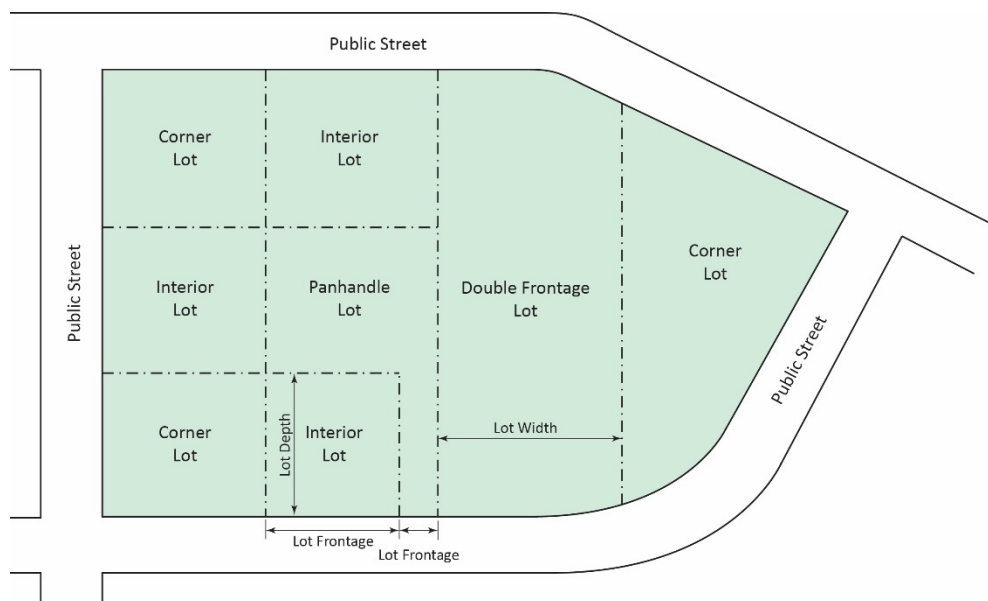


Figure 2- 5 - Lot Types

Lot Area. The total horizontal area included within the lot lines of the lot. No public right-of-way or access easement for a public street or handle of a panhandle lot shall be included in the calculation of the lot area, nor shall the public right-of-way cross the lot area.

Lot, Corner. A lot abutting upon two (2) or more public or private streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than one hundred thirty-five (135) degrees. A corner lot abutting public streets, or abutting private streets that provide existing or potential vehicular access to driveways for more than six (6) lots, must have two required front yards.

Lot, Depth. The average horizontal distance between the front and rear lot lines.

Lot, Developed. A lot 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 Revised Code.

Lot, Double Frontage. A lot with opposite ends abutting on public or private streets.

Lot, Interior. Any lot other than a corner lot.

Lot, Panhandle. A lot also known as a “rear lot” or a “flag lot” which utilizes a narrow strip of land or stem, not a building site, to provide access to, or legal frontage on, a public street, or a private street. The panhandle of such lot is not considered a building site, nor is the area of such included in calculating the lot area.

Lot, Reverse. A lot intended to have its rear yard abutting any road frontage.

Lot Lines. The lines bounding a lot.

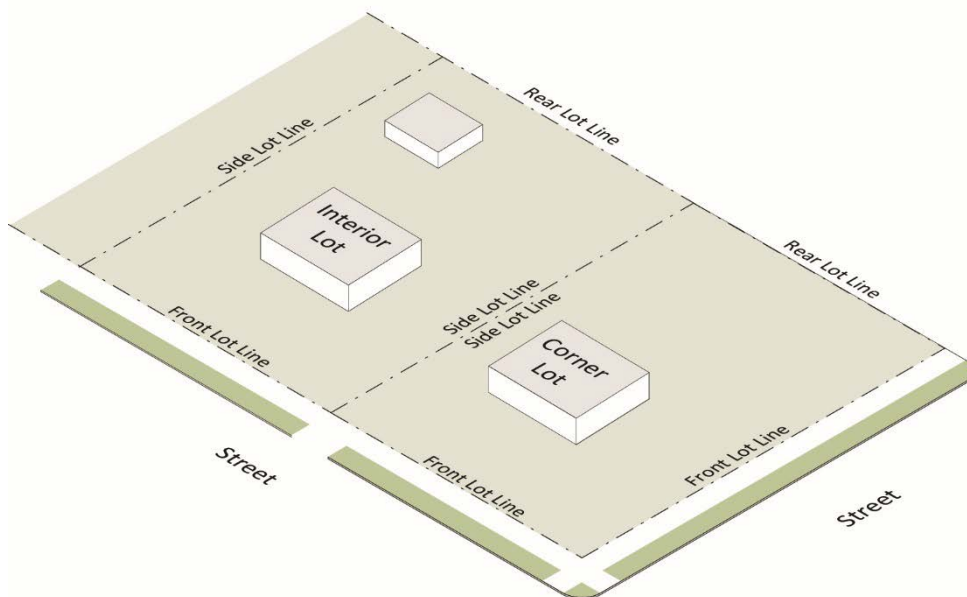


Figure 2- 6 - Lot Lines

Lot Line, Front. In the case of an interior lot, the line separating the lot from the street.

Lot Line, Rear. The lot line(s) generally opposite the front lot line.

Lot Line, Side. Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots shall be called an interior side lot line.

Lot of Record. A lot which is part of a subdivision, the map or metes and bounds description of which has been recorded in the office of the Recorder of Hamilton County; or a parcel of land, the deed to which was of record on or prior to adoption of zoning. For the purpose of these regulations, any improvement plan of a subdivision which has been approved by official action of the Zoning Commission of Sycamore Township shall have the same status as if the subdivision plan was officially recorded in the office of the Recorder of Hamilton County.

Lot Width. The distance between the side lot lines measured along the right-of-way, or access easement.

M - Definitions

Manufactured Home. A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

Marina. A boat basin and recreational facility, located on waterfront property, providing moorings for boats, and one or more of the following facilities; boat launching ramps, boat livery, boat sales, maintenance shops, marine supply store, and fuel dock.

Marijuana. means marihuana as defined in Ohio Revised Code Section 3719.01.

Medical marijuana. means marijuana that is cultivated, processed, dispensed, tested, possessed, or used, for a medical purpose, regardless of whether such marijuana is, or is not, in a form or intended for incorporation into a form permitted under Ohio Revised Code Section 3796.06.

Medical marijuana-related business or home occupation. means a business or home occupation use, involving in whole or in part, the cultivation, processing, distribution, and/or wholesale or retail sale of medical marijuana on the premises. This definition shall specifically include, but is not limited to, dispensaries of medical marijuana; facilities for the cultivation, packing, transportation, processing, storage, and/or sale of medical marijuana; and bakeries or kitchens producing edible forms of medical marijuana or products containing the same

Mini-Storage Facility. A building or group of buildings in a controlled access compound that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares. Such facilities do not include sales, service, or storage of hazardous materials.

Mobile Home. A transportable factory-built dwelling, other than a manufactured home or a modular home, which will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other foundation and used or so construed as to permit its being used as conveyance upon the public streets and highways. Most significantly the term mobile home designates those units not in compliance with Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et. seq.)

Mobile Home Park. An area of land for the parking of Mobile Homes and/or Manufactured HUD Units which complies with the rules of the Ohio Department of Health, Public Health Council for Manufactured Home Parks, as adopted pursuant to Chapter 3733 of the Ohio Revised Code, and such other requirements as are imposed by the Hamilton County Health Department.

Modification (of Standards). A change in a specification or requirement where strict adherence to a written regulation due to unusual site conditions serves no meaningful purpose or makes it physically impossible to achieve compliance.

Modular Home. See “Industrialized Unit”.

N - Definitions

Natural Resources. All natural areas of lakes, ponds, wetlands, floodplains, drainage ways, forests, and steep slopes as defined in this Chapter or in Chapter 14, Buffer Yards and Resource Protection.

Noncomplying Structure. Any structure lawfully existing on the initial effective date of this Resolution, or any amendment thereto which is in noncompliance with the standards and regulations of this Resolution or any amendment thereto.

Nonconforming Use. Any use lawfully being made of any land, building, or structure on the initial effective date of this Resolution or any amendment thereto which is not permitted as-of-right and not permissible as a Conditional Use ~~or as a Planned Unit Development~~ under this Resolution or any amendment thereto in the District in which it is situated.

Nursery. A place where the primary activity is the growing of plants, trees and shrubs for sale.

Nursing Home. A home, institution, residence or facility licensed by the State of Ohio that provides accommodation, personal assistance and skilled nursing care to more than three residents who are dependent on the services of others by reason of age and physical or mental impairment.

O - Definitions

Open Space. Land used for recreation, resource protection, hillside, floodway, lake, pond, amenity and/or buffers. In no event shall any area of a lot constituting neither the minimum lot area of said lot nor any part of an existing or future road or right-of-way be counted as constituting open space.

Owner. Any full owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal or equitable title to the whole or to part of a structure or land.

P - Definitions

Paper Street/Abandoned Street. A street or road shown on a recorded plan or on the official zoning map but never built on the ground.

Parcel. Any quantity of land and water capable of being described with such specificity that its location and boundaries may be established as distinct from other parcels which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Park. Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

Park and Ride Facility. Parking lot provided to encourage transfer from private automobile to mass transit or to encourage carpooling for purposes of commuting.

Parking Area, Off-Street. All areas subject to vehicular traffic including parking lots, access-ways, loading areas and service areas.

Parking Lot. An area of land devoted to unenclosed parking spaces for five (5) or more vehicles.

Parking Space. A paved area either within a structure or in the open, including stacking spaces, exclusive of driveways, access drives and aisle, permanently reserved for the parking of a motor vehicle and connected to a street or alley by a surfaced driveway of adequate width to permit easy movement of the vehicle to and from such space.

Patio Area. A roofless, inner space or space adjoining a residence which is used for dining or recreation.

Person. An individual, corporation, business trust, estate, trust, partnership, or association.

Pet, Household. Domesticated animals that share the same domicile or premises with humans; are dependent upon humans for food, water and shelter; and are kept as companions, including but not limited to dogs, cats, caged birds of a variety of species, rodents, rabbits, and nonpoisonous reptiles and amphibians, that are not included in the definitions of livestock and exotic wildlife.

~~**Planned Unit Development (PUD).** A type of development that enables residential, commercial, industrial or any other uses to be developed alone or in combination under one unified plan of development under more flexible standards pursuant to the standards and procedures set forth in Chapter 18, Planned Unit Development Overlay and PUD Procedures or Section 7-1, Specific Plan Districts, of this Resolution. (See PUD-1 and PUD-2 for explanation of alternative processes for administrative approval.)~~

Pond. A natural or artificial body of water of less than two (2) acres which retains water year round.

Portable Storage Container (or Portable On Demand (POD) Storage Units). A moving and storage service whereby the company delivers and leaves a storage container on-site for the customer to pack. The storage container is then left on-site or picked up and moved to a separate company warehouse or the customer's destination for unpacking and subsequent removal.

Principal Use. The primary purpose or function that a lot serves or is proposed to serve.

Project Area. Any area of land, regardless of the number of individual parcels or zone districts contained or proposed therein on which development is proposed under these regulations.

Public Service. A building, structure, or place used by or for the general populous, owned or operated by a government organization. This category shall include but not be limited to police and fire stations, government buildings and storage yards, government facilities such as libraries, as well as park and rides, and other similar uses and facilities.

~~PUD.~~ See “Planned Unit Development”.

~~PUD-1.~~ Planned unit development whose net density or intensity requires Sycamore Township Zoning Commission approval. See “Planned Unit Development”.

~~PUD-2.~~ Planned unit development whose net density or intensity requires both Sycamore Township Zoning Commission and Township Trustee approval. See “Planned Unit Development”.

PUD-Site Plan (Planned Unit Development Plan). A plan for the use and development of the tract showing the areas within which buildings, parking areas, and buffering are to be located accompanied by a detailed description on the plat identifying the permissible range or limits of size, height, type, and other pertinent details for buildings, structures, signage, lighting, pedestrian ways, vehicular access, circulation patterns, parking areas, landscaping and buffering, impervious surface ratio, density, yards and other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Resolution and any other requirements as identified on the application form or forms provided by the Administrative Official. All dimensions shown on these plats relating to the location and size of the lot to be built upon shall be based on an actual survey.

PUD-Site Plans are required in the following two types of ~~Planned Unit~~ Developments:

- A. A plan which is submitted to the Sycamore Township Zoning Commission ~~within the established PUD Overlay District~~ for administrative approval (~~PUD-1S-1~~) or recommendation to the Board of Township Trustees for legislative approval (~~PUD-2S-2~~). (Note: The legislative approval creates an alternative set of overlay regulations, available at the election of the property owner, for a specific development plan but does not preclude the development of the property for other uses permitted in an underlying ~~non-PUD~~ district.)
- B. A plan submitted to the Sycamore Township Zoning Commission as a part of the zone amendment process for administrative approval ~~of a Specific Plan District (SPUD)~~. (Note: The administrative approval requires compliance with a PUD-Site Plan and conditions of approval by the Board of Township Trustees and precludes the development of the property for any use that does not comply with the approved PUD-Site Plan. The rezoning can be initiated only by the property owner.)

R - Definitions

Recreation Center, Internal. Buildings or facilities owned or operated as a non-profit enterprise by a condominium, homeowners, or property owner’s association with the intent that their usage be only by residents of the development.

Recreation, Commercial. A public or private indoor or outdoor recreation facility operated as a for profit activity, including but not limited to: batting cages, bowling alleys, dragstrips, raceways, golf driving ranges, gun-firing ranges, mechanical rides, miniature golf courses, racquet clubs, arenas, amphitheatres, stadiums, health and fitness facilities, and swimming pools.

Recreation Community Facility, Private. A building or facility operated by a private or non-profit group for a social or recreational purpose, but not as a commercial activity. Includes but is not limited to country clubs, athletic fields, golf courses, swim/tennis facilities, and YMCAs.

Recreation Community Facility, Public. A building or facility operated by a governmental agency for a social or recreational purpose, but not as a commercial activity. Includes but is not limited to athletic fields, golf courses, swim/tennis facilities, parks, playgrounds, wildlife reservations, forests, senior centers, and recreation centers.

Recreation, Cultural and Entertainment. A public or private facility, of a non-commercial nature, designed and equipped to be used for sport, leisure, cultural, or entertainment activities including internal recreation centers, private and public community recreation facilities, and cultural facilities, but excluding commercial recreation facilities.

Recreation Vehicle. Any boat, trailer, ATV, mobile home, camper, jet ski, go cart or other use used for the purpose of traveling and recreational activities.

Recycling Facility. An operation or material recovery facility which processes, treats, converts, and stores materials which have been discarded.

Recycling Drop-Off Facility. Site for collection in containers and transfer of waste materials (may be household hazardous waste) for recycling.

Research Laboratory. A place equipped for experimentation, testing and analysis, and observation and study for scientific research.

Residential Facility. A home or facility in which a person with a mental illness, mental retardation or developmental disability resides, except a home subject to Chapter 3721 of the Ohio Revised Code or the home of a relative or legal guardian in which a person with a mental illness, mental retardation or developmental disability resides.

Residential Use. A home, abode, dwelling unit or place, where a family or individual(s) live; where such a place has areas for living and eating within the structure. This category includes but is not limited to single-family detached units, single-family detached units in [PUD's Site Plan Developments](#) (clustered, patio-dwelling, and zero lot-line), multi-family units, and manufactured or mobile homes as well as uses such as bed & breakfast facilities, granny cottages, Group Homes, and Day Care/Type A.

Residential Dwelling, Multi-Family. Two or more attached dwelling units sharing one or more common walls between any two units and/or stacked one above another. This category shall include but not be limited to two-family, three-family, apartments, townhouses, dormitories, fraternities and sororities.

Residential Dwelling, Patio. A single-family detached or semi-detached unit, enclosed by a solid wall located at the lot line. The wall may be broken only by a driveway or a pedestrian access, in order to create a private yard between the dwelling and the wall. All such walls shall be a minimum of six (6) feet in height.

Residential Dwelling, Single-Family Clustered. A building intended or used primarily for residential purposes to be occupied by one family, and located in a grouping of structures that are arranged closer to one another than District setback requirements would normally allow to provide open space, and/or conservation of natural features and which are built as part of a [Planned Unit Development overlay district](#) at a net density permitted in the underlying zone districts.

Residential Dwelling, Single-Family Detached. A dwelling designed for and occupied by not more than one family as that term is defined in this Chapter and surrounded by open space or yards and which has no roof, wall or floor in common with any other dwelling unit.

Residential Dwelling, Two-Family. A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Residential Dwelling, Three-Family. A building consisting of three (3) dwelling units whether one above the other or side by side share a common entrance or entrance way, or have separate entrances or entrance ways, in a single building occupying one (1) lot.

Residential Dwelling, Townhouse. A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

Residential Dwelling, Zero Lot-Line. A building or portion thereof designed for residential purposes. The dwelling unit is a single-family detached unit that is placed against one of the side lot lines to allow more open and yard space.

Restaurant. An establishment where prepared and ready-to-consume food is available to the general public for consumption on or off the premises.

Right-Of-Way (R.O.W.). A strip of land dedicated by recorded instrument occupied or intended to be occupied by a public street or railroad and within which may be located electric transmission lines, gas pipe lines, water mains, sanitary sewers or storm sewers.

S - Definitions

Satellite Dish Antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrial and/or orbital based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, and satellite microwave antennas. See Section 10-6, Satellite Dish Antenna, for regulations.

School. A privately-owned or publicly-owned pre-school, elementary school, middle school, junior high school, high school, or vocational or professional school, with no rooms regularly used for housekeeping or sleeping rooms.

Screen. A method of reducing the impacts of noise and unsightly visual intrusions with less offensive or more harmonious elements which is one-hundred percent (100 %) opaque.

Secretary. The Secretary of the Sycamore Township Zoning Commission.

Shopping Center. A group of two or more retail establishments and/or restaurants, planned and developed with a unified design of buildings with off-street parking, landscaped areas, and service areas and pedestrian malls or plazas provided on the property as part of the unified design.

Shrub. A woody plant that at the time of planting, is at least eighteen inches (18”) tall above the highest root, or of a size requiring a two (2) gallon pot.

- A. **Shrubs, Hedge.** Plants that at maturity will range in height from seven (7) feet to fifteen (15) feet and are spaced from three (3) to six (6) feet on center depending upon the variety.
- B. **Shrubs, Blooming.** Plants that flower or undergo change in leaf color. They range in height from two (2) to fourteen (14) feet.

Sign. Any object, device, display or structure, or part thereof, situated outdoors or indoors and visible from the exterior of the building or structure, that is used to advertise, identify display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors illumination or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state or city, or any fraternal, religious or civic organizations; or city, or any fraternal, religious or civic organizations; works of art which in no way identify a product or business logo. See related sign definitions that are listed alphabetically in Chapter 13, Signs.

Single Family Dwelling Units. Detached, individual dwelling units, which accommodate one group of persons related by blood, adoption, or marriage; or up to five unrelated individuals living as one housekeeping unit.

Special Flood Hazard Area. All that area within Zones A1-A30 and the unnumbered A Zones on the Flood Insurance Rate Map for Unincorporated Hamilton County, Ohio, and all that area within the unincorporated territory of Hamilton County, Ohio, designed as being within the flood plain of various streams in Appendix A of the Storm Drainage and Open Space Master Plan for Hamilton County, Ohio.

Stable. A structure and/or land use in or on which equines are bred, boarded, trained, or kept for sale or hire.

Stadium. A structure or facility designed, intended, or used primarily for athletic or entertainment events and containing seating for spectators of those events, but not including a raceway or dragstrip.

Steep Slopes. Land area where the inclination of the land's surface from the horizontal is twenty percent (20%) or greater.

Story. That portion of a building, other than a cellar as defined herein, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

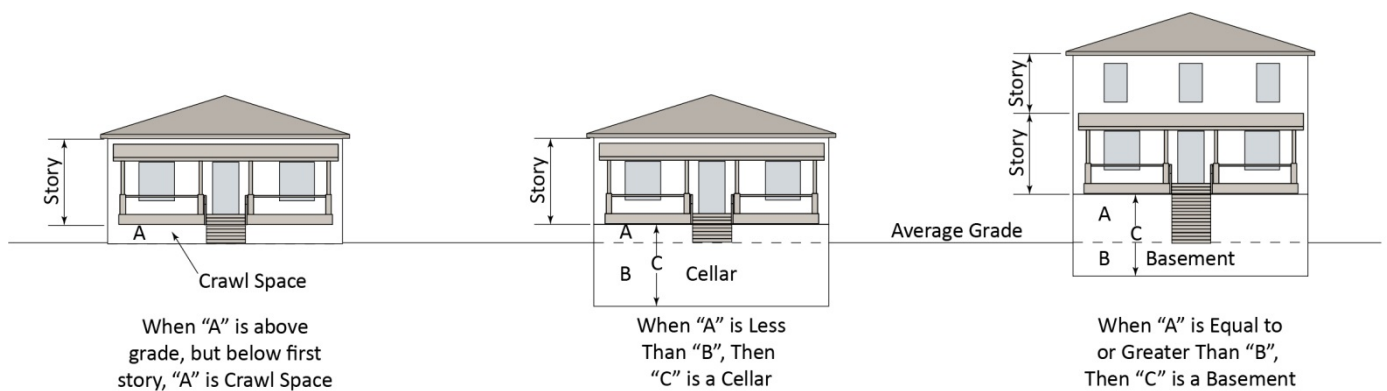


Figure 2- 7 - Story

~~**Story, Half.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.~~

Stream. A shallow watercourse that generally flows year round and is less than forty (40) feet wide.

Street, Major Arterial. A street which serves the major activity centers, high traffic volume corridors, and the longer trip desires. With major arterials, service to the adjacent land is subordinate to the provision of travel service.

Street, Collector. A street which provides both land access and traffic circulation within residential, commercial, and industrial areas. It differs from an arterial in that collector streets may penetrate these areas and arterials usually do not. Collector streets distribute traffic from arterial streets and channel traffic from local streets.

Street, Minor Arterial. Public streets having the primary purpose of collecting traffic from intersecting local streets and distributing this volume to the nearest arterial. A secondary purpose is to carry moderate volumes of through traffic. Access to abutting land uses is a secondary function which, with proper land planning, may be limited so long as the abutting land use is not materially and adversely affected by such limitation.

Street, Local. Streets having the primary purpose of providing access to individual properties that abut them. Local streets serve residential, commercial, and industrial land uses providing links for short-distance trips and access to the collector and arterial system on a local level. Frontage roads may also be considered local streets.

Street, Private. A shared means of vehicular ingress and egress located within an easement of access serving more than six (6) lots, not dedicated to the Township by recorded instrument that is maintained by the party or parties using such private street for private access. Private streets are permitted within a thirty (30) foot easement and must be constructed to County Engineer standards, except for width.

Street, Public. A publicly dedicated or owned right-of-way constructed to County Engineer standards intended or used, for vehicular and pedestrian movement, and, except where limited or controlled access, affording the principal means of access to abutting property.

Structural Alteration. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area of cubical contents of the building.

Structure. Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, area improved for parking, backstops for tennis courts and pergolas.

Structure, Principal. A structure containing the principal use of the lot.

Summer Camp. A publicly or privately owned facility providing outdoor recreational activities and shelter for one or a group of persons, usually children, for a temporary period of time.

T - Definitions

Temporary Use. A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent building or structure.

Terminal, Truck. A structure or land primarily used for the temporary storage of goods awaiting transfer or wholesale distribution by means of motor carrier transportation.

Theater, Indoor Movie and Drama. A building in which movies are screened before a live audience, or in which dramatic performances are carried out.

Thoroughfare Plan. An officially adopted plan by the Board of Township Trustees and Regional Planning Commission which provides guidance in the development of future transportation networks capable of safely accommodating traffic volumes generated by growth and development.

Transfer Station. ~~A site where recyclables and refuse are collected and sorted in preparation for processing or transfer to a landfill. A combination of structures, machinery or devices at a place or facility that receives solid waste taken from municipal and private collection vehicles and places the waste in other transportation units for movement to another solid waste management facility.~~

Tree, Canopy. A deciduous tree which at maturity will shed its leaves annually, and provide shade. (See Section 15-3, Plant Installation Standards)

Tree, Evergreen. A coniferous tree with needles or a broadleaf tree which retains its leaves throughout the year. (See Section 15-3, Plant Installation Standards)

Tree, Understory. A lower growing tree which screens, flowers, defines space and provides seasonal interest. (See Section 15-3, Plant Installation Standards).

U - Definitions

Use. The purpose of activity for which land, or any structure thereon, is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Permitted. Any use which is identified in Section 3-2, Table of Permissible Uses and with a “P” in Tables 4-5, 5-4, 6-4 and 7-5.

Use, Permissible. Any use which is identified in Section 3-2, Table of Permissible Uses and with a “~~PUDS~~-1”, “~~PUDS~~-2” or “C” in Tables 4-5, 5-4, 6-4 and 7-5 or with a “S-~~PUD~~” in Table 7-8.

V - Definitions

Vehicle, Commercial. A vehicle which displays any commercial activity and which use is primarily for commercial purposes.

Vehicle, Inoperable or Abandoned. ~~Any transportation vehicle, stored outdoors, which is unfit for travel on a roadway or other vehicle path due to the vehicle being unlicensed, and or, having missing or defective parts. This definition shall not be deemed to include farm machinery other than automobiles or trucks. See “Abandoned Junk Motor Vehicle”.~~

Vehicle, Operable Unlicensed on Residential Property. Any vehicle which through parcel size, condition, visibility, adverse impact, duration or location which is capable of running and is fit for travel on a roadway, but has no license plates and which has received a Temporary Zoning Certificate.

Vehicular Storage Yard. Fleet storage or other inactive vehicle storage and is not accessible to vehicular traffic of the general public. (See Section 12-9, Vehicular Storage Yard).

Vehicular Use Area. See “Parking Area, Off-Street”.

Veterinary Facility. A structure or building set up for the medical care of animals, including offices, clinic space and indoor kennels for detaining animals, but not expressly allowing outdoor kennel areas.

W - Definitions

Wall. A high thick masonry, concrete or stone structure forming a long rampart or an enclosure chiefly for property delineation, aesthetics, privacy or to hold back pressure soil.

Warehousing. The indoor storage and/or sale of goods, materials, or merchandise for shipment to or processing on other property.

Watercourse. A course or channel in which water flows, consisting of bed, banks, and water; includes rivers, creeks, and other streams confined in a channel, but not necessarily flowing all the time. Gullies, ravines, swales, sloughs, and similar depressions do not ordinarily constitute watercourses.

Waterway. A body of water, such as a lake, pond, continuously flowing stream, creek, river, channel, or canal which functions as a water route.

Wholesale. The sale of goods to retailers or jobbers rather than consumers.

Wildlife, Exotic. Indigenous or non-indigenous wildlife, including those animals that could be considered dangerous but not limited to lions, tigers, ocelots, jaguars, leopards, mountain lions, cheetahs, lynx, bobcats, jaguar, bears, hyenas, wolves or coyotes, or any life-threatening reptiles and arachnids, including but not limited to crocodilians, poisonous reptiles and tarantulas.

Y - Definitions

Yard. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. (See Appendix 1: Building and Yard Requirements)

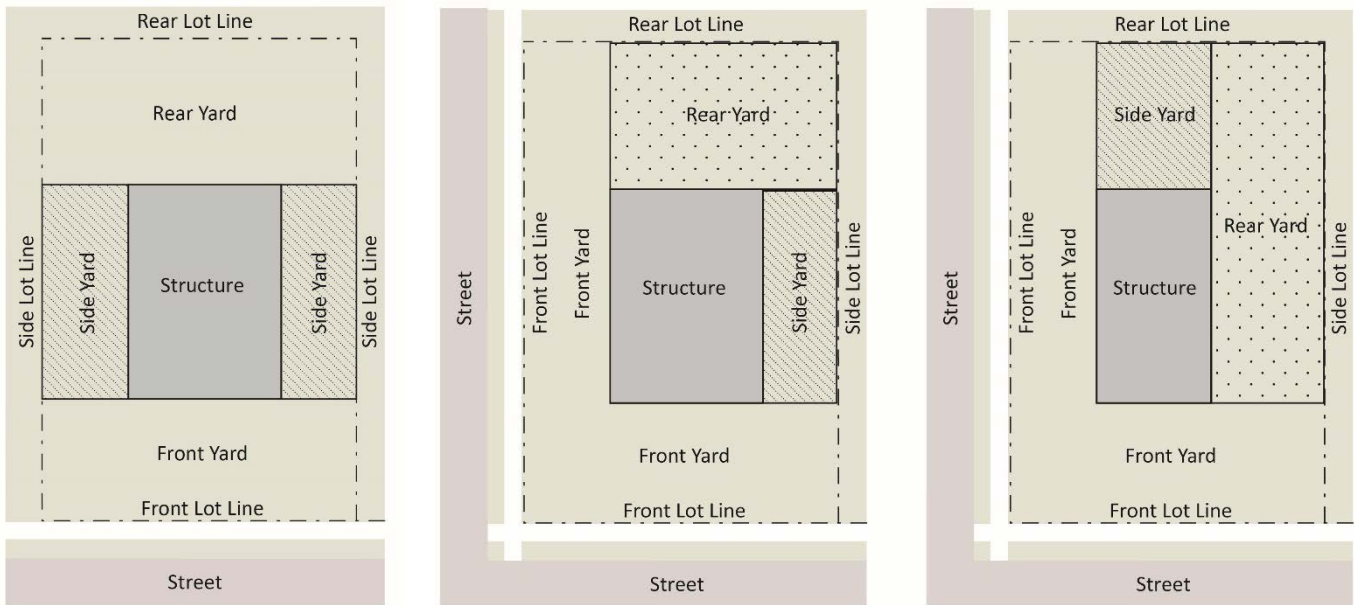


Figure 2- 8 - Yards

Yard, Front. A yard extending across the front of a lot between the side lot lines and being the horizontal distances from the main building (or any projection thereof, other than the projection of the usual steps or entranceway) to:

- A. The right-of-way line
- B. The easement line (where vehicular access to the lot is provided by a private street or a private drive)
- C. The terminus of the easement (where vehicular access to a panhandle lot is provided by a driveway extending from the terminus of an easement located outside the panhandle area)
- D. The terminus of the panhandle (where vehicular access to a panhandle lot is provided by a driveway extending from the terminus of the panhandle area or the terminus of an easement located inside the panhandle area).

Yard, Rear. A yard extending across the area of a lot between the side lot lines and being the horizontal distances between the rear lot line and the main building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. ~~On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. (See Figure 2-7, Yards).~~ On corner lots the rear yard is generally considered to be parallel to the street upon which the lot has its least dimension as depicted in Figure 2-7, Yards. However, the rear yard may be approved parallel to the street upon which the lot has its greatest dimension, if the minimum distance from the structure to the rear property line complies with the minimum rear yard setback required in the zone district as depicted in Figure 2-7, Yards.

Yard, Required. A front, side or rear yard that runs parallel to a property line, the depth of which shall be determined by the minimum setbacks established for the zone district in which the lot is located. In measuring a required yard for the purpose of determining the minimum width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line or applicable easement line and the nearest portion of the main building or projection thereof (excluding the projection of the usual steps or entranceway) external building projections shall be used. On panhandle lots, where the front yard is measured from an easement line inside the panhandle area, the main building must also be setback from the property line of the panhandle a distance not less than the minimum side yard requirement of the district. (See Appendix 1: Building and Yard Requirements)

Yard, Side. A yard being the minimum horizontal distance between the main building or any projection thereof, and the side line of the lot extending from the front yard to the rear yard. (See Appendix 1: Building and Yard Requirements)

Z -Definitions

Zoning Certificate. A written certification that a structure, use or parcel of land is, or will be in compliance with the requirements of this Resolution, and in compliance with all other conditions of approval.

Zoning Commission. An officially appointed body, formally known as the Sycamore Township Zoning Commission, whose principal duties are established in Section 19-3, Sycamore Township Zoning Commission of this Zoning Resolution. The Zoning Commission is a commission of five Township residents appointed by the Trustees. The Zoning Commission makes recommendations to the Trustees on all Township issues such as Zone Changes, ~~Planned Unit Developments~~ Site Plan Review, ~~PUD~~-Amendments, LASR's and to provide feedback for the Township corridor studies, land use plan and specific public interest.

Zoning Compliance Plan. A site plan for the specific development and specific use of a parcel or tract of real estate required to obtain a Zoning Certificate, as further described in Section 20-1-~~2~~, Zoning Certificate. The Zoning Compliance Plan shall show the specific use or uses, illustrated by a plat, drawn to scale, showing the boundaries of such parcel or tract, the location, size, height and use of all existing structures, and the exact location and pertinent details of proposed buildings, structures, signage, lighting, pedestrian ways, vehicular access, circulation patterns, parking areas and buffering accompanied by a detailed description the plat identifying the impervious surface ratio, density and requirements for yards, parking, landscaping and buffers, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Resolution and any other requirements as identified on the application form or forms provided by the Administrative Official. All dimensions shown on these plats relating to the location and size of the lot to be built upon shall be based on an actual survey.

CHAPTER 3 – DISTRICT AND ZONING MAP

3-1 DISTRICTS

In order to carry out the purposes of this Resolution, Sycamore Township is divided into the following zoning districts:

Table 3- 1 – Zoning Districts

Zoning Map Designation	Zoning District
Residential Districts	
AA	Residential (Lowest Density)
A	Residential
A-2	Residential
A-3.5	Residential
B	Residential
B-2	Residential
C	Residential
D	Residential (Highest Density)
Commercial Districts	
O	Office
E	Retail Business
Industrial Districts	
F	Light Industrial
Special Interest Overlay Districts	
SPI-NR	Special Public Interest – Natural Resource
SPI-NQ	Special Public Interest – Neighborhood Quality
SPI-SC	Special Public Interest – Suburban Center/Corridor
SPI-SV	Special Public Interest – Suburban Village
Specific Plan Districts	
CUP	Community Unit Plan Overlay
DD	Planned Multi-Family Residence
OO	Planned Office
EE	Planned Retail
FF	Planned Light Industrial

3-2 TABLE OF PERMISSIBLE USES

The uses permissible with a Permitted Use Zoning Certificate, a Conditional Use Zoning Certificate, or a **Planned Unit Development (PUD) Site Plan Review** Zoning Certificate are summarized in the Table of Permissible Uses found in Table 3-2. When used in connection with a particular use in the Table of Permissible Uses, the designations “P”, “**PUDS-1**”, “**PUDS-2**”, “C”, and “**S-PUD3**” shall have the following meanings:

3-2.1 Permitted Use

The letter “P” means the use is permitted as-of-right in the indicated zoning district with a Permitted Use Zoning Certificate issued by the office of the Zoning Inspector certifying that the plats and plans for the proposed use comply with all applicable provisions of the Sycamore Township Zoning Resolution.

3-2.2 ~~Planned Unit Development~~Site Plan Review - 1

The designation “~~PUDS~~-1” means that based upon the intensity of land use, established in conjunction with Table 3-2, the Table of Permissible Uses, the use is permissible in the indicated zoning district, with a ~~PUD Site Plan Review~~ Zoning Certificate issued by the office of the Zoning Inspector certifying:

- A. Approval of a ~~PUD-Site~~ Plan for the project area by the Sycamore Township Zoning Commission pursuant to Chapter 18, ~~Planned Unit Development Overlay and PUD-Site Plan Review~~ Procedures; and
- B. Approval of a Zoning Compliance Plan certifying that the plats and plans for the proposed use comply with all other applicable provisions of the Sycamore Township Zoning Resolution, including all conditions of approval.

3-2.3 ~~Planned Unit Development~~Site Plan Review - 2

The designation “~~PUDS~~-2” means that based upon the intensity of land use, established in conjunction with Table 3-2, the Table of Permissible Uses, the use is permissible in the indicated zoning district, with a ~~PUD Site Plan Review~~ Zoning Certificate issued by the office of the Zoning Inspector certifying:

- A. Approval of the proposed ~~PUDS~~-2 by the Board of Township Trustees because the proposed development exceeds the maximum density or intensity of use established for ~~PUDS~~-1 approval pursuant to Chapter 18, ~~Planned Unit Development Overlay and PUDSite Plan Review~~ Procedures; and
- B. That the plats and plans for the proposed use comply with all other applicable provisions of the Sycamore Township Zoning Resolution, including all conditions of approval.

3-2.4 Conditional Use

The letter “C” means that the use is permissible in the indicated zoning district, provided it is listed in Table 17-~~12~~ in Chapter 17, Conditional Uses, in Table 3-2, the Table of Permissible Uses, or in any other part of this Resolution, with a Conditional Use Zoning Certificate issued by the office of the Zoning Inspector certifying:

- A. Approval of the proposed conditional use by the Board of Zoning Appeals pursuant to the standards and procedures set forth in Chapter 17, Conditional Uses, and
- B. That the plats and plans for the proposed use comply with all other applicable provisions of the Sycamore Township Zoning Resolution, including all conditions of approval.

3-2.5 Specific ~~PUD~~Plan District

The designation “S-~~PUD~~PD” means that the use is permissible in the indicated zoning district, with a ~~PUD-S-
PD~~ Zoning Certificate issued by the office of the Zoning Inspector certifying:

- A. Approval of a zone amendment and ~~PUD-Site~~ Plan for the specific use by the Board of Township Trustees pursuant to Chapter 7, Specific Plan Districts and Chapter 16, Amendments, and
- B. That the plats and plans for the proposed use comply with all other applicable provisions of the Sycamore Township Zoning Resolution, including all conditions of approval.

Table 3- 2 - Permissible Residential Uses

Use <i>See definitions in Chapter 2 for further clarification</i>	Permissible use by District									
	AA-C	D	O	E	F	CUP	DD	OO	EE	FF
Residential Uses										
Single Family Dwelling Unit										
Detached	P	P	S-1	S-1		S-PD	S-PD	S-PD	S-DP	
Detached in PUD's Site Plan Review Developments (Patio, Zero-Lot Line, Clustered)										
Low Density (based on density of underlying zone)	S-1	P	S-1	S-1		S-PD	S-PD	S-PD	S-PD	
Moderate Density (Max 9.7 DUA)		S-1	S-1	S-1			S-PD	S-PD	S-PD	
High Density (Max 14.5 DUA)							S-PD	S-PD	S-PD	
WITH Accessory Apartment	C					S-PD	S-PD			
WITH Bed and Breakfast	C	C	S-1	S-1		S-PD	S-PD	S-PD	S-PD	
WITH Day Care, Child Type-A	C	C	S-1	S-1		S-PD	S-PD	S-PD	S-PD	
WITH Day Care, Child Type-B	P	P	S-1	S-1		S-PD	S-PD	S-PD	S-PD	
WITH Family Home	P	P	S-1	S-1		S-PD	S-PD	S-PD	S-PD	
WITH Granny Cottage	C	C				S-PD	S-PD			
WITH Group Home	C	C				S-PD	S-PD			
Multi-Family										
Low Density (Max 7.26 DUA)		P	S-1	S-1			S-PD	S-PD	S-PD	
Moderate Density (Max 9.7 DUA)		S-1	S-1	S-1			S-PD	S-PD	S-PD	
High Density (Max 14.5 DUA)		S-2	S-1	S-1			S-PD	S-PD	S-PD	
Notes for Tables of Permitted Uses										
ZONING CERTIFICATES: (designations and requirements) See Section 3-2 for full explanation of terms. Chapter 7 regarding S-PD's, Chapter 17 regarding Conditional Uses, and Chapter 18 regarding Site Plan Review Developments PUD's .	P	Permitted as of Right with a Permitted Use Zoning Certificate after approval by the Zoning Inspector.								
	S-1	Permissible with a Site Plan Review Zoning Certificate after public hearing and administrative approval by the Sycamore Township Zoning Commission.								
	S-2	Permissible with a Site Plan Review Zoning Certificate after public hearing and administrative approval by the Sycamore Township Board of Trustees.								
	C	Permissible with a Conditional Use Zoning Certificate after public hearing and administrative approval by the Board of Zoning Appeals.								
	S-PD	Permissible with a Site Plan Review Zoning Certificate after legislative approval of a zoning amendment to a Specific Plan District by the Sycamore Township Board of Trustees.								
ZONING DISTRICTS	AA-C - Single Family Residence Districts including: AA, A, A-3.5, A-2, B, B-2, and C					CUP - Community Unit Plan Overlay District				
	D - Multi-Family Residence District					DD - Planned Multi-Family District				
	O - Office District					OO - Planned Office District				
	E - Retail Business District					EE - Planned Retail Business District				
	F - Light Industrial District					FF - Planned Light Industrial District				
INTENSITY	ISR - Impervious Surface Ratio (the total area of buildings and hard-surfaced areas divided by the area of the lot excluding right-of-way)									
	DUA - Dwelling Units per Acre									

Table 3- 3 - Permissible Office Uses

Use <i>See definitions in Chapter 2 for further clarification</i>	Permissible use by District									
	AA-C	D	O	E	F	CUP	DD	OO	EE	FF
Office										
<i>Low Intensity (Max ISR - .50)</i>		C	P	P	P		S-PD	S-PD	S-PD	S-PD
<i>Moderate Intensity (MAX ISR - .65)</i>			S-1	S-1	S-1			S-PD	S-PD	S-PD
<i>High Intensity (Max ISR over .65)</i>			S-2	S-2	S-2			S-PD	S-PD	S-PD
The following office uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity:										
Accounting Services										
Architectural Services										
Banking/Financial Institution										
Banking with Drive-In or Drive Through Facility										
Dental Laboratories										
Funeral Home or Mortuary										
Legal Services										
Medical Laboratories										
Medical Office/Clinics	<i>Not permitted in the D District at any intensity</i>									
Motels and Hotels										
Optical Laboratories										
Professional Consulting Services										
Psychological Counseling										
Real Estate and Securities Brokering										
Restaurant/Bar within an Office Use	<i>In the O District, this use is permissible only if approved as a conditional use</i>									
Tax Preparation Services										

Table 3- 4 - Permissible Retail, Service and Commercial Uses

Use <i>See definitions in Chapter 2 for further clarification</i>	Permissible use by District									
	AA-C	D	O	E	F	CUP	DD	OO	EE	FF
Retail Service, and Commercial Business										
<i>Low Intensity (Max ISR - .50)</i>			S-1	P	P			S-PD	S-PD	S-PD
<i>Moderate Intensity (MAX ISR - .65)</i>				S-1	S-1				S-PD	S-PD
<i>High Intensity (Max ISR over .65)</i>				S-2	S-2				S-PD	S-PD
The following retail, service and commercial uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity:										
Amusement Park	Golf Driving Range									
Art Gallery, Antique Store, Interior Decorator Service	Grocery Store									
Automobile and Truck Rental	Gun Firing Range									
Automobile Sales (Accessory Service)	Internet Café									
Automobile Service (Mechanical)	Laundry									
Batting Cage	Machinery, Boat, Truck, Farm and Construction Equipment Sales, Rental and Service									
Barber Shops and Beauty Salons	Miniature Golf Course									
Billiard Parlor or Pool Room	Motorcycle Sales and Service									
Bowling Alley	Photo Lab, Picture, TV or Sound Studio									
Building Materials, Sales and Distribution	Racquet Facility (tennis or other indoor clubs)									
Car Wash, Full Service	Restaurant/Bar									
Car Wash, Self Service	Restaurant Drive-In or Drive Through									
Convenience Store (with fuel pumps)	Retail Sales and Service									
Delicatessens, Bakery Goods, Meat, Fruit and Vegetable Markets	Service Establishments (dry cleaning, laundry pick-up stations, print shops, tailoring, shoe or hat repair)									
Drag Strips, Raceways	Shopping Center									
Drive-In, or Drive-Through Facility	Skating Facility									
Durable Goods, Furniture and Appliance Sales and Rental	Studio (art, dance, gymnastics, music)									
Dry Cleaning	Swimming Pools, Tennis or Racquet Clubs and Similar Recreation Facility Open to the Public for a Fee									
Health and Fitness Facility	Tailoring									
Gasoline Service Station (with repair)	Theater (motion picture or live performance)									

Table 3- 5 - Permissible Industrial Uses

Use <i>See definitions in Chapter 2 for further clarification</i>	Permissible use by District									
	AA-C	D	O	E	F	CUP	DD	OO	EE	FF
Light Industrial										
<i>Low Intensity (Max ISR - .50)</i>			S-1	S-1	P			S-PD	S-PD	S-PD
<i>Moderate Intensity (MAX ISR - .65)</i>					S-1					S-PD
<i>High Intensity (Max ISR over .65)</i>					S-2					S-PD
The following office -uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity:										
Automobile Body Shop				Outside Storage						
Heliport				Package Delivery Service, Truck Terminal, Taxicab Barn						
Laundry, Dry Clean, Linen, Diaper Services (plant on premises)				Research Lab with Hazardous Materials						
Manufacturing, Light				Warehouse, Display Room, Wholesale Activities						
Adult Entertainment Use					C					
Drop-Off Center										
<i>Low Intensity (Max ISR - .50)</i>			S-1	S-1	S-1			S-PD	S-PD	S-PD
<i>Moderate Intensity (MAX ISR - .65)</i>					S-2					S-PD
<i>High Intensity (Max ISR over .65)</i>										
Mini-Storage Facility										
<i>Low Intensity (Max ISR - .50)</i>				C	P				S-PD	S-PD
<i>Moderate Intensity (MAX ISR - .65)</i>				C	S-1				S-PD	S-PD
<i>High Intensity (Max ISR over .65)</i>				C	S-2				S-PD	S-PD
Recycling Facility										
<i>Low Intensity (Max ISR - .50)</i>			S-1	S-1	S-1			S-PD	S-PD	S-PD
<i>Moderate Intensity (MAX ISR - .65)</i>					S-2					S-PD
<i>High Intensity (Max ISR over .65)</i>										
Transfer Station										
<i>Low Intensity (Max ISR - .50)</i>			S-1	S-1	S-1			S-PD	S-PD	S-PD
<i>Moderate Intensity (MAX ISR - .65)</i>					S-2					S-PD
<i>High Intensity (Max ISR over .65)</i>										
Telecommunications Tower (as per ORC 519.211)	C	C	EXEMPT			S-PD	S-PD	EXEMPT		
Warehouse as Accessory Use			C	C				S-PD	S-PD	S-PD

Table 3- 6 - Permissible Agricultural Uses

Use <i>See definitions in Chapter 2 for further clarification</i>	Permissible use by District									
	AA-C	D	O	E	F	CUP	DD	OO	EE	FF
Agricultural Uses										
Rural Agriculture										
<i>On Lots Greater than 5 acres</i>	EXEMPT IN ALL DISTRICTS									
Suburban Agriculture										
<i>On lots 5 acres or less</i>	P	P	P	P	P					
The following suburban agriculture uses are permitted as of right in the zone districts indicated above with a Permitted Use Zoning Certificate subject to compliance with the regulations for Agricultural Uses in Chapter 3.										
Aquaculture and Fishing Lakes	Olericulture			Farm Markets (Accessory)			Club Activities			
Floriculture	Pomiculture			Beekeeping			Future Farmers of America			
Horticulture	Viticulture and Winemaking			Keeping of Household Pets			Farming of Trees, Mushrooms, and Sod, Tobacco and Field Crops			
Ornamental Horticulture	Private Compost Piles			Kennel (Private)						
Other Suburban Agriculture										
<i>Greenhouses</i>	P	P	P							
<i>Farm Markets (Principal Use)</i>				P	P					
<i>Keeping of Exotic Wildlife</i>				P	P					
Keeping of Livestock										
On lots greater than 1 acre	P	P	P	P	P					
On lots 1 acre or less			P	P	P					
Kennel (Commercial)										
On lots greater than 1 acre	P	P	P	P	P					
On lots 1 acre or less				P	P					
Riding Stables										
On lots greater than 1 acre	P	P	P	P	P					
On lots 1 acre or less			P	P	P					
Veterinary Facility (without outside run)										
On lots greater than 1 acre	P	P	P	P	P					
On lots 1 acre or less			P	P	P					
Veterinary Facility (with outside run)										
On lots greater than 1 acre	P	P	P	P	P					
On lots 1 acre or less				P	P					

Table 3- 7 - Permissible Institutional and Public Service Uses

Use <i>See definitions in Chapter 2 for further clarification</i>	Permissible use by District									
	AA-C	D	O	E	F	CUP	DD	OO	EE	FF
Institutional and Public Service Uses										
Institutional										
<i>Low Intensity (Max ISR - .50)</i>		C	P	P	P		S-PD	S-PD	S-PD	S-PD
<i>Moderate Intensity (MAX ISR - .65)</i>		C	S-1	S-1	S-1		S-PD	S-PD	S-PD	S-PD
<i>High Intensity (Max ISR over .65)</i>		C	S-2	S-2	S-2		S-PD	S-PD	S-PD	S-PD
The following public service (government owned or operated) uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity:										
Day Care Center, Child	Hospital					Continuing Care Retirement Facility				
Other Institutional Uses										
Cemetery	C		P	P	P	S-PD		S-PD	S-PD	S-PD
Correctional Facility					C					S-PD
Halfway House					C					S-PD
Church										
<i>Low Intensity (Max ISR - .50)</i>	C	C	P	P	P	S-PD	S-PD	S-PD	S-PD	S-PD
<i>Moderate Intensity (MAX ISR - .65)</i>	S-1	S-1	P	P	P	S-PD	S-PD	S-PD	S-PD	S-PD
<i>High Intensity (Max ISR over .65)</i>	S-2	S-2	P	P	P	S-PD	S-PD	S-PD	S-PD	S-PD
Nursing or Convalescent Home										
<i>Low Intensity (Max ISR - .50)</i>		P	P	P	P		S-PD	S-PD	S-PD	S-PD
<i>Moderate Intensity (MAX ISR - .65)</i>		S-1	S-1	S-1	S-1		S-PD	S-PD	S-PD	S-PD
<i>High Intensity (Max ISR over .65)</i>		S-2	S-2	S-2	S-2		S-PD	S-PD	S-PD	S-PD
School (pre-school, elementary, junior high, middle, high, vocational and professional)										
<i>Low Intensity (Max ISR - .50)</i>	C	C	P	P	P	S-PD	S-PD	S-PD	S-PD	S-PD
<i>Moderate Intensity (MAX ISR - .65)</i>	C	C	S-1	S-1	S-1	S-PD	S-PD	S-PD	S-PD	S-PD
<i>High Intensity (Max ISR over .65)</i>	C	C	S-2	S-2	S-2	S-PD	S-PD	S-PD	S-PD	S-PD
University or College										
<i>Low Intensity (Max ISR - .50)</i>	C		P	P	P	S-PD		S-PD	S-PD	S-PD
<i>Moderate Intensity (MAX ISR - .65)</i>	C		S-1	S-1	S-1	S-PD		S-PD	S-PD	S-PD
<i>High Intensity (Max ISR over .65)</i>	C		S-2	S-2	S-2	S-PD		S-PD	S-PD	S-PD

Table 3- 7 - Table of Permissible Institutional and Public Service Uses (continued)

Use <i>See definitions in Chapter 2 for further clarification</i>	Permissible use by District									
	AA-C	D	O	E	F	CUP	DD	OO	EE	FF
Institutional and Public Service Uses										
Public Service Uses										
<i>Low Intensity (Max ISR - .50)</i>	C	C	P	P	P	S-PD	S-PD	S-PD	S-PD	S-PD
<i>Moderate Intensity (MAX ISR - .65)</i>	C	C	S-1	S-1	S-1	S-PD	S-PD	S-PD	S-PD	S-PD
<i>High Intensity (Max ISR over .65)</i>	C	C	S-2	S-2	S-2	S-PD	S-PD	S-PD	S-PD	S-PD
The following public service (government owned or operated) uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity:										
Government Facility	Government Storage Yard			Library						
Park and Ride Facility	Police or Fire Station									

Table 3- 8 - Table of Permissible Recreational, Cultural and Entertainment Uses

Use <i>See definitions in Chapter 2 for further clarification</i>	Permissible use by District									
	AA-C	D	O	E	F	CUP	DD	OO	EE	FF
Recreational, Cultural and Entertainment Uses										
Recreation, Community Facility - Private (non-profit or privately owned and operated country clubs, swim and tennis facilities/clubs, and YMCA's, athletic fields and golf courses)										
<i>Low Intensity (Max ISR - .50)</i>	C	C	P	P	P	S-PD	S-PD	S-PD	S-PD	S-PD
<i>Moderate Intensity (MAX ISR - .65)</i>	C	C	S-1	S-1	S-1	S-PD	S-PD	S-PD	S-PD	S-PD
<i>High Intensity (Max ISR over .65)</i>	C	C	S-2	S-2	S-2	S-PD	S-PD	S-PD	S-PD	S-PD
The following recreational, cultural and entertainment uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity:										
Campground or Summer Camp (public or private)	C					S-PD				
Recreation Center, Internal (public or private)	C	P				S-PD	S-PD			
Recreation, Community Facility - Public (publicly owned or operated athletic fields, golf courses, swim and tennis facilities, parks, playgrounds, wildlife reservations, forests, senior centers and recreation centers)										
<i>All Intensities</i>	P	P	P	P	P	S-PD	S-PD	S-PD	S-PD	S-PD
Cultural and Entertainment Facility (museum, outdoor drama theater (not drive-in), botanical garden and zoo)										
<i>Low Intensity (Max ISR - .50)</i>	C		P	P	P	S-PD		S-PD	S-PD	S-PD
<i>Moderate Intensity (MAX ISR - .65)</i>	C		S-1	S-1	S-1	S-PD		S-PD	S-PD	S-PD
<i>High Intensity (Max ISR over .65)</i>	C		S-2	S-2	S-2	S-PD		S-PD	S-PD	S-PD

3-3 ZONING MAP

The Board of Township Trustees, upon recommendation of the Sycamore Township Zoning Commission, shall adopt a Zoning Map, in accordance with Section 1-6, Repeal of Preexisting Zoning Resolution and Establishment of Zoning Districts, which shall set out and delineate the zoning districts established by Section 3-1, Districts, with relation to all land within the jurisdiction of these regulations. The Zoning Map is hereby designated, established and incorporated as part of these provisions, and the original, which shall be on file at the office of the Sycamore Township Zoning Commission, shall be as much a part of these provisions as if it were fully described in these provisions.

3-4 STATUS OF PLANNED DISTRICTS

Areas of the Township identified on the Zoning Map which are designated ~~PUD~~, “DD” Planned Multiple Residence District, “OO” Planned Office District, “EE” Planned Retail District, “FF” Planned Light Industrial District, and “CUP” Community Unit Plan prior to the effective date of this Resolution shall continue to be designated as planned development districts as authorized by Ohio Revised Code Section 519.022 and the covenants and conditions as contained in the Resolution of approval and development plans approved and in effect at the time of their development shall be retained. Adjustments and revisions shall be administered in accordance with procedures provided for Specific Plan Districts in Chapter 7, Specific Plan Districts.

3-5 ADDITIONAL USE, HEIGHT AND AREA REGULATIONS AND EXCEPTIONS

The district regulations hereinafter set forth in this Section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Resolution.

3-5.1 Street Frontage Required

Except as permitted by other provisions of this Resolution no lot shall be permitted unless it contains the proper amount of street frontage as determined by the use tables of the applicable zoning district.

For single-family residential uses, there shall be no more than one (1) principal use for such frontage. Existing lots of record are exempt from the frontage requirement, provided they are not further subdivided. Frontage along limited access right of way, interstate highways, or private roadways shall not be considered as part of the required street frontage.

3-5.2 Cul-de-sac Roadway

On a cul-de-sac roadway, of a dedicated public street, the required frontage may be reduced to forty (40) feet. The required forty (40) foot street frontage shall be measured at the street right-of-way completely on the ball of the cul-de-sac.

3-5.3 Height of Institutions Related to Yards

Public or private service and government buildings, hospitals (except as otherwise provided), institutions or schools, when permitted in a District, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is setback from each required yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the District in which the building is built.

3-5.4 Height of Single Family Dwelling Related to Side and Rear Yard

Single-family dwellings in the “AA”, “A”, “A35”, “A-2”, “B” “B-2”, and “C” Residence District may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the District in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height.

3-5.5 Structures Exempt from Height Limit

Church spires, domes, flagpoles, aerials, antennas, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stacks, derricks, conveyors, stage tower or scenery lofts, tanks, water towers, silos, farm buildings, or necessary mechanical appurtenances, may be erected to any lawful and safe height as per the applicable Code or Resolution.

3-5.6 Rear Yard on Double Frontage Lots

Rear yard requirements for buildings on double frontage lots may be waived if an open space is provided equivalent to the required front yard of the district. Such open space shall run parallel with the secondary right-of-way line and shall contain no accessory structures.

3-5.7 Rear Yards Adjacent to Alleys

In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens on an alley, one half of the alley width may be included as a portion of the rear or side yard as the case may be if included as owned by the abutting property owner.

3-5.8 Construction in Required Yard

Every part of a required yard shall be open to the sky unobstructed, except as otherwise provided in Section 3-5, Additional Use, Height and Area and Exceptions, and except for accessory buildings in a rear yard, and except for the ordinary projections of awnings, bay windows, skylights, sill, belt courses, cornices, wing walls, and ornamental features projecting not to exceed thirty (30) inches in “AA”, “A”, “A35”, “A-2” or “B” Residence Districts and not to exceed eighteen (18) inches in all other Districts.

3-5.9 Low Projections in Required Front and Rear Yards

Terraces, uncovered porches, platforms, decks, patios, ornamental features, landscape beds and handicapped ramps whose base height (excluding railings) does not exceed (3) three feet above grade may project into a required front or rear yard and must maintain a minimum of ten (10) feet from a right-of-way or property line, whichever is further from the street. In no case, however the projection be closer to any side lot line than the side yard requirement.

3-5.10 Commercial Awnings and Canopies in Required Yards

Awnings that do not project more than forty-eight (48) inches from the face of the building may project into the required front or rear yard when such site is located in the “O”, “E”, and “F” districts. In the “E” and “F” districts canopies may be erected over service station pump islands. No canopy shall be closer than ten (10) feet to a front right-of-way line and shall not be less than eight (8) feet above the ground.

3-5.11 Stairways and Balconies in Required Yards

Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies projecting into a yard not more than five (5) feet and the ordinary projections of chimneys and flues may be permitted by the ~~County Building Inspector~~Zoning Administrator when placed so as not to obstruct light and ventilation but not closer than two (2) feet to any lot line in any case.

3-5.12 Required Yards for Multiple Family Dwellings

For the purpose of the yard requirements, a two-family or multiple dwelling shall be considered as one building occupying a single lot.

3-5.13 Projection of Porches and Patios in Required Front Yards

A covered, unenclosed or screened porch, or patio attached to the main structure may project into a front yard for a distance not exceeding ten (10) feet.

3-5.14 Front Yards on Infill Sites

Where forty (40%) percent or more of the lots in a subdivision are occupied by buildings, the minimum front yard on any lot shall not be less than the average depths of the front yards of the two buildings on each side and within one hundred (100) feet of such lot, or where there is a building within one hundred (100) feet of the lot on one side only, the minimum front yard shall be the same as that of such adjacent building, provided, however, that no yard shall be required to exceed seventy-five (75) feet in the “AA” or “A” Residence Districts or to exceed fifty (50) feet in any other district requiring a front yard.

3-5.15 Limitation of One Main Building on Lot

Every building hereafter erected or structurally altered shall be located on a conforming lot as herein defined, and in no case shall there be more than one main building on a lot except as specifically provided hereinafter in Section 3-5.14, Front Yards on Infill Sites.

3-5.16 Yard Requirements Where Lot Includes More Than One Main Building

Where a lot is used for institutional, commercial, or industrial purposes, and where the zoning compliance plan is specifically approved therefore by the Administrative Official, more than one main building may be located on the lot, but only when such buildings conform to all yard and open space requirements at the perimeter of the lot for the district in which the lot is located.

3-5.17 Fire Hydrants

All newly constructed single family residences shall be located within 500 feet of a functional fire hydrant. There shall be direct, unobstructed access for fire apparatus between the fire hydrant and the dwelling. The functionality of a fire hydrant shall be determined by the Sycamore Township EMS and Fire Department.

3-5.18 Pan-Handle Lots, Residential Districts

Pan handle lots shall not be permitted except for when they are a part of a recorded residential subdivision containing four (4) or more lots and have been approved by the Township Zoning Commission through the ~~PUDS~~–1 process.

~~The minimum street frontage required for panhandle lots is determined by the Hamilton County Subdivision Regulations, and the lot(s) must meet all lot area and setback requirements for the underlying zoning district.~~

3-6 AGRICULTURE REGULATIONS

Except as hereinafter provided, nothing contained in this Resolution shall regulate the use of any 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 use, building or structure, except on lots that are five (5) acres or less in any platted subdivision, or any unplatted subdivisions resulting in fifteen (15) or more lots, each smaller than five acres and contiguous or separated only by right-of-way.

3-7 AGRICULTURAL USES

A building or premises shall be used only in accordance with the following requirements if listed as “permitted” in Table 3-7, Table of Permissible Agricultural Uses:

3-7.1 Agricultural Setback

Agriculture on lots as provided in this section provided any buildings, structures, exterior storage, refuse, or supplies shall be at least ~~sixty-one hundred (10060)~~ feet from every property line of adjacent parcels in residence or office districts and further provided that specific agricultural uses listed in this article shall comply with specific standards for such uses.

3-7.2 Greenhouse Setback

Greenhouses on lots as provided in this section shall be at least sixty (60) feet from every property line of adjacent parcels in residence or office districts, provided any exterior storage or refuse or supplies and the heating plant shall be at least one hundred (100) feet from every property line of adjacent parcels in residence districts.

3-7.3 Agricultural Accessory Uses

Accessory buildings and uses customarily incident to any of the above uses including:

- A. Compost piles or bins, on lots as provided in Section 3-6, Agricultural Regulations, which are located in the rear yard and at least ~~three (3)-one hundred (100)~~ feet from every property line.
- B. Roadside stands, or farm markets, on lots as provided in section 3-6, where 50 percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year and provided that the structure shall not exceed eight hundred (800) square feet and such structure and parking areas shall be at least sixty (60) feet from every property line of adjacent parcels in residence districts; and that a sign advertising such products shall not exceed twelve (12) square feet in area.

3-8 DAIRYING, ANIMAL AND POULTRY HUSBANDRY REGULATIONS

Except as hereinafter provided, nothing contained in this Resolution shall prohibit the use of any land for dairying, and animal and poultry husbandry or the construction or use of buildings or structures incident to the use for such agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such use, building, or structure, except on lots that are five (5) acres or less in any platted subdivision, or any unplatted subdivisions resulting in fifteen (15) or more lots, each smaller than five acres and contiguous or separated only by right-of-way, and where, if the lot is greater than one (1) acre, at least 35% of the lots are developed.

3-9 DAIRYING, AND ANIMAL AND POULTRY HUSBANDRY USES

A building or premises shall be used only in accordance with the following requirements if listed as “permitted” in Table 3-7, Table of Permissible Agricultural Uses.

3-9.1 *Veterinary Facilities and Animal Care*

Veterinary facilities, riding stables or commercial kennels for the boarding of animals, dairying and other animal and poultry husbandry activities on lots as provided in Section 3-8, Dairying, Animal and Poultry Husbandry Regulations, provided that the use is located on a lot that is greater than one (1) acre and further provided that floor area shall not exceed three thousand (3,000) square feet and that buildings and enclosures (including fencing) for animals and manure piles, pits or bins, or other outdoor storage, and parking areas for five or more vehicles shall be at least one hundred (100) feet from every property line of adjacent parcels in residence or office districts.

3-9.2 *Veterinary Facilities in Office Districts*

In the “O” Office District, veterinary facilities are permitted only without outside runs.

3-9.3 *Veterinary Facilities in Retail Districts*

In the “E” Retail Business District, veterinary facilities or other animal care facilities, including livery stables, riding academies, and grooming parlors, on lots as provided in Section 3.8, Dairying, Animal and Poultry Husbandry Regulations, are permitted if any outside animal enclosure or outside run is at least one hundred (100) feet to any property line of adjacent parcels in residence or office districts.

3-9.4 *Agricultural Accessory Uses*

Accessory buildings and uses customarily incident to any of the uses in section 3.8, including:

- A. Household Pet Enclosures. The keeping of household pets provided, however, that any exterior enclosure in which household pets are kept shall be located in the rear yard and such enclosure (except property line fences) shall be at least twenty (20) feet from every property line.
- B. Livestock Enclosures. The keeping of livestock, on lots as provided in Section 3-8, Dairying, Animal and Poultry Husbandry Regulations, provided, however, that any such accessory buildings or enclosures (including all fences), for such animals or fowl, other than household pets, shall be at least one hundred (100) feet from every property line.
- C. Private Kennel Enclosures. Private kennels, on lots as provided in Section 3-8, Dairying, Animal and Poultry Husbandry Regulations, provided that any exterior enclosure (including fences constructed solely for the purpose of confining animals) in which household pets are kept shall be located in the rear yard and at least twenty (20) feet from every property line of adjacent parcels.

CHAPTER 4 - RESIDENTIAL DISTRICTS

4-1 GENERAL PROVISIONS

4-1.1 *Statement of Intent*

The Residential Districts are intended to provide a range of housing choices to meet the needs of Sycamore Township’s residents, and, to offer a balance of housing types and densities, while promoting harmonious development of residential communities in the Township and to help implement housing policies and other plans adopted by the Township.

4-1.2 *Accessory Uses and Structures*

Accessory uses and structures shall be permitted in the A-A, A, A35, A-2, B, B-2, C, and D Districts subject to the provisions of Chapter 10, Accessory Uses and Structures.

4-1.3 *Conditional Uses*

Conditional uses in Residential districts are listed in the Table in Section 3-2, Table of Permissible Uses. Further information on the criteria, standards, and procedures for conditional uses are contained in Chapter 17, Conditional Uses.

4-1.4 *Signs*

Signs that are permitted in the A-A, A, A35, A-2, B, B-2, C, and D districts are subject to the provisions of Chapter 13, Signs.

4-1.5 *Lot Area, Lot Width, Building Height and Yard Standards*

All uses and structures permitted in the A-A, A, A35, A-2, B, B-2, C, and D districts shall comply with the following provisions and the lot area, lot width, building height and yard requirements set forth in ~~Tables 4-1 and 4-2~~, Lot Area, Lot Width, Maximum Height and Yard Requirements for Low Density Uses Permitted As Of Right in Residential Districts, and Table 4-2, Lot Area, Lot Width, Maximum Height and Yard Requirements for Single Family Detached Dwellings in Site Plan Review Developments found at the end of this Chapter.

- A. Front Yard Setback Alignment with Adjacent Lots. Alignment setbacks and/or front yard depths are not required to exceed the average minimum depths of the existing front yards on the lots adjacent to them on each side, if the lots are within the same block and within one hundred (100) feet of each other.
However, if the front yard setback alignment relief is used, a front porch must fall within that alignment and cannot encroach further into the front yard.
- B. Front Yard Requirements on Corner Lots. Lots that have a double frontage are required to have a front yard on both streets. These lots located at the intersection of two or more streets are referred to as corner lots. However, the buildable width of a lot of record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.

Additional height and yard requirements and exceptions are contained in Section 3-5, Additional Use, Height and Area Regulations and Exceptions.

4-1.6 Parking Standards

All uses and structures permitted in the A-A, A, A35, A-2, B, B-2, C, and D Districts shall comply with the parking requirements set forth in Chapter 12, Off-Street Parking Areas and Loading.

4-1.7 Buffer Yards and Resource Protection

All uses and structures in the AA, A, A-2, A-3.5, B, B-2, C, and D Districts shall comply with the provisions of Chapter 14, Buffer Yards and Resource Protection, Chapter 15, General Landscape Material Standards, and any other appropriate Chapter.

4-2 THE “AA, A, A-2, A-3.5, B, B-2 AND C” RESIDENTIAL DISTRICTS

4-2.1 Purpose

The purpose of the AA, A, A-2, A-3.5, B, B-2 and C Districts established by Section 3-1, Districts, is to protect and support the development of single-family housing in conjunction with appropriate accessory uses and public and institutional uses. The standards of these districts are intended to maintain a suitable environment for family living at various densities and in various types of housing, including single-family detached and clustered housing under specified conditions which provides flexibility in the organization of site elements and building location.

4-2.2 Permitted Uses

The uses specified as Permitted ("P") Uses in the Table of Permissible Uses found in the Table in Section 3-2, Table of Permissible Uses, are permitted as of right in the AA, A, A-2, A-3.5, B, B-2 and C Districts with a Permitted Use Zoning Certificate provided they comply with all requirements of this Chapter and all other applicable requirements of this Resolution.

4-2.3 ~~Planned Unit Developments~~Site Plan Review

In addition to the uses specified as ~~Planned Unit Developments~~Site Plan Review ("PUDS") in the Table of Permissible Uses found in the Table in Section 3-2, Table of Permissible Uses, the following densities are permitted in the AA, A, A-2, A-3.5, B, B-2 and C Districts as ~~PUD's~~Site Plan Review provided they are approved as ~~PUDS~~-1's by the Sycamore Township Zoning Commission pursuant to the standards and procedures for ~~planned unit developments~~site plan review set forth in Chapter 18, ~~Planned Unit Development Overlay and~~Site Plan Review Procedures, and in Section 4-2.5, Single Family ~~Planned Unit Development~~Site Plan Review (PUD) Standards for Patio, Zero-Lot Line and Single Family Detached, Clustered Dwellings, and comply with all other applicable requirements of this Resolution. For calculation of density on preliminary plans where actual location and area of rights-of-way or easements for public streets is not yet determined, the net density shall be based on 82% of the gross area.

- A. AA District. Single-family detached dwellings at a maximum net density of 1.0 unit per acre.
- B. A District. Single-family detached dwellings at a maximum net density of 2.17 units per acre.
- C. A-2 District. Single-family detached dwellings at a maximum net density of 3.11 units per acre.
- D. A-3.5 District. ~~Single-family detached dwellings at a maximum net density of 1.2 units per acre.~~
- E. B District. Single-family detached dwellings at a maximum net density of 4.1 units per acre.
- F. B-2 District. Single-family detached dwellings at a maximum net density of 5.8 units per acre.
- G. C District. Single-family detached dwellings at a maximum net density of 7.26 units per acre.

4-2.4 Maximum Height and Minimum Lot Area, Bulk and Yard Requirements

The maximum height and minimum lot area, bulk and yard, and accessory building requirements for low density residential uses in the AA, A, A-2, A-3.5, B, B 2, and C Districts are set forth in the Table in Section 4-2, Lot Area, Lot Width, Maximum Height and Yard Requirements for Single Family Detached Dwellings in Planned Unit Site Plan Review Developments (~~PUD's~~), found at the end of this Chapter.

4-2.5 Single Family ~~Planned Unit Development (PUD)~~ Site Plan Review Standards for Patio, Zero-Lot-Line and Single-Family Detached, Clustered Dwellings

Subject to the provisions of Section 4-2.3, ~~Planned Unit Developments~~ Site Plan Review, as applicable, developments of patio dwellings, zero-lot-line dwellings and clustered dwellings shall comply with the density requirements for single-family detached dwellings for the residential district in which they are located and the minimum lot size, bulk and other site development requirements set forth below. Minimum perimeter setbacks shall conform to district setback requirements.

- A. Patio Dwelling. The lot of each dwelling unit shall be fully enclosed by a solid wall located at the lot line, broken only by a driveway or a pedestrian access, in order to create a private yard between the dwelling and the wall. All such walls shall be a minimum of six (6) feet in height. If a patio dwelling is located on a lot-line, that portion of the dwelling wall located on the lot-line may be counted as part of the required patio wall. The minimum standards for a patio dwelling are as follows:

Minimum Lot Area (sq. ft.)	2,700
Minimum Lot Width (ft.)	38
Minimum Patio Area (sq. ft.)	750
Minimum Patio Area Width (ft.)	25
Minimum Setback from Interior Right-of-Way or access easement	
Front Load Garage (ft.)	20
Dwelling or Side Load Garage (ft.)	10



Figure 4- 1 - Example of Site Plan – Patio Dwelling

B. **Zero-Lot-Line Dwelling.** Each dwelling shall be located on an individual lot with one or more of the sides of the dwelling ~~which is~~ set directly on, or within five (5) feet of the side lot line. No windows shall be located on the wall of the dwelling nearest to the side lot line. Either a five (5) foot maintenance easement shall be provided on the neighboring property, or the dwelling may be set back five (5) feet from the line and a recreation, planting, and use easement may be granted to the adjacent lot owner. The minimum standards for a zero-lot-line dwelling are as follows:

Minimum Lot Area (sq. ft.)	5,000
Minimum Interior Yards	
Front (ft.)	20
Rear (ft.)	30
Side (ft.)	10 ¹
Minimum Building Spacing (ft.)	10 ¹
Minimum Lot Width (ft.)	45
Minimum Setback from Interior Right-of-Way or Access Easement	20



Figure 4- 2- Example of Site Plan – Zero-Lot Line Dwelling

¹ Standard applicable when dwelling units are set back from the lot line and a use/maintenance easement is provided.

- C. **Clustered Dwellings.** Each dwelling type consists of a single-family detached residence located on an individual lot which has private yards on all sides of the house. The minimum standards for single-family detached clustered dwellings other than the types specified in Sections 4-2.5(a) and (b) Single Family **Planned Unit Development (PUD)-Site Plan Review** Standards for Patio, Zero-Lot Line and Single Family Detached, Clustered Dwellings, are:

Minimum Lot Area (sq. ft.)	6,000
Minimum Interior Yards:	
Front (ft.)	20
Rear (ft.)	25
Side (ft.)	8
Minimum Lot Width (ft.)	50
Minimum Setback from Interior Right-of-Way or Access Easement	20

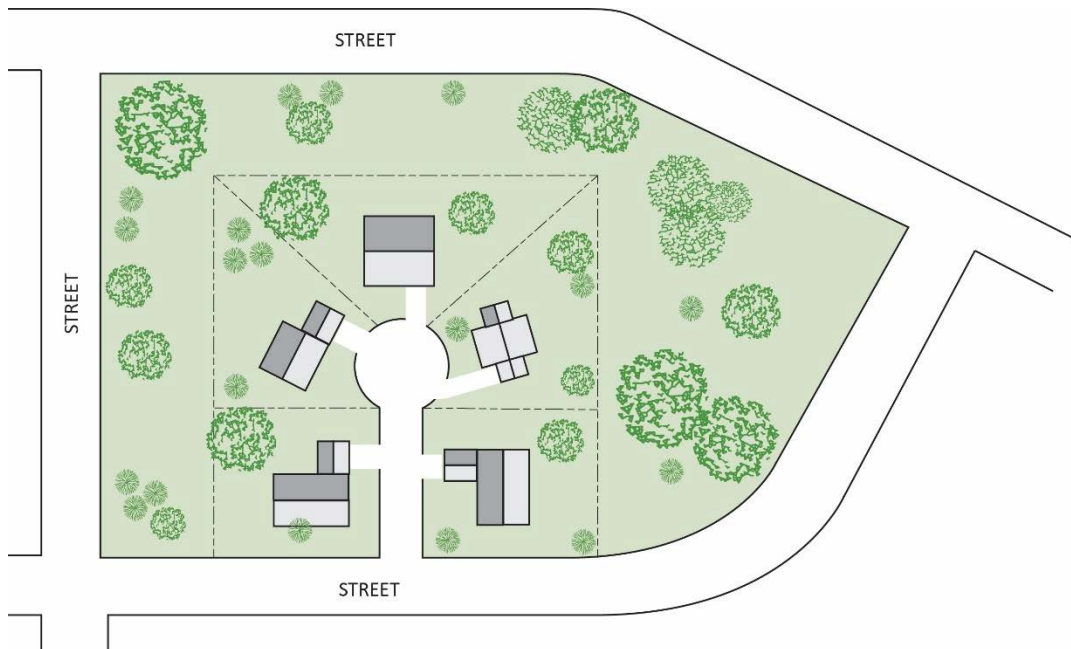


Figure 4- 3 - Example of Site Plan – Clustered Dwelling

4-3 THE “D” RESIDENTIAL DISTRICTS

4-3.1 Purpose

The purpose of the D Multi-Family district is to provide opportunities for low to high density residential development where sufficient infrastructure is available or will be available prior to development. This district permits a broad range of housing types including single-family and multi-family dwellings as well as low-intensity uses that retain a residential character.

4-3.2 Permitted Uses

In addition to the uses specified as Permitted ("P") in the Table of Permissible Uses found in the Table in Section 3-2, Table of Permitted Uses, low intensity residential uses are permitted as of right in the D district (at net densities of 7.3 dwelling units or less per acre) with a Permitted Use Zoning Certificate provided that they comply with all requirements of this Chapter and all other applicable requirements of this Resolution.

4-3.3 ~~Planned Unit~~ Site Plan Review Developments

In addition to the uses specified as ~~Planned Unit Developments~~ Site Plan Review ("PUDS") in the Table of Permissible Uses found in Section 3-2, Table of Permitted Uses, the following types of residential developments are permitted in the D district at intensities listed in Section 3-2, Table of Permitted Uses, as ~~Planned Unit~~ Site Plan Review Developments provided they are approved as PUDS-1's by the Sycamore Township Zoning Commission, or as PUDS-2's by the Board of Township Trustees if the proposed development exceeds any of the moderate land use intensity standards enabling PUDS-1 approval. PUD's Site Plan Review Developments are subject to the standards and procedures set forth in Chapter 18, ~~Planned Unit Development Overlay and~~ Site Plan Review Procedures provided they comply with all other applicable requirements of this Resolution:

- A. Single-Family Detached Dwellings falling under a in PUD's site plan review process.
- B. Multi-Family Dwellings
- C. Apartment style Dwellings
- D. Two Family Dwellings
- E. Three Family Dwellings
- F. Townhouse Dwellings

4-3.4 Minimum Lot Area, Lot Width and Yard Requirements

The minimum lot area, lot width, bulk and yard requirements for low intensity residential and office uses in the D district are found in Table 4-1, Lot Area, Lot Width, Maximum Height and Yard Requirements for Low Density Uses Permitted as of Right in Residential Districts, and Table 4-2, Lot Area, Lot Width, Maximum Height and Yard Requirements for Single Family Detached Dwellings in ~~Planned Unit~~ Site Plan Review Developments (~~PUD's~~).

4-3.5 Maximum Building Height

The maximum building height permitted in the D district, exclusive of developments approved through the ~~PUD~~ Site Plan Review procedure, for principal buildings, is per Table 4-1, Lot Area, Lot Width, Maximum Height and Yard Requirements for Low Density Uses Permitted as of Right in Residential Districts, and Table 4-2, Lot Area, Lot Width, Maximum Height and Yard Requirements for Single Family Detached Dwellings in ~~Planned Unit~~ Site Plan Review Developments (~~PUD's~~). Maximum height for accessory structures shall be one story or twelve and one half (12½) feet measured to the mean roof height, whichever is less.

4-3.6 Standards for Townhouse Dwellings

Rows of attached townhouses shall be no more than twelve (12) dwelling units each. The minimum standards for a townhouse dwelling are as follows:

Minimum Lot Area (sq. ft. per unit)	2,400
Minimum Yards (per structure)	
Front (ft.)	20
Rear (ft.)	30
Side (ft.)	0
Minimum Lot Width (ft.)	18
Minimum Setback from Interior Right-of-Way or Access Easement	20

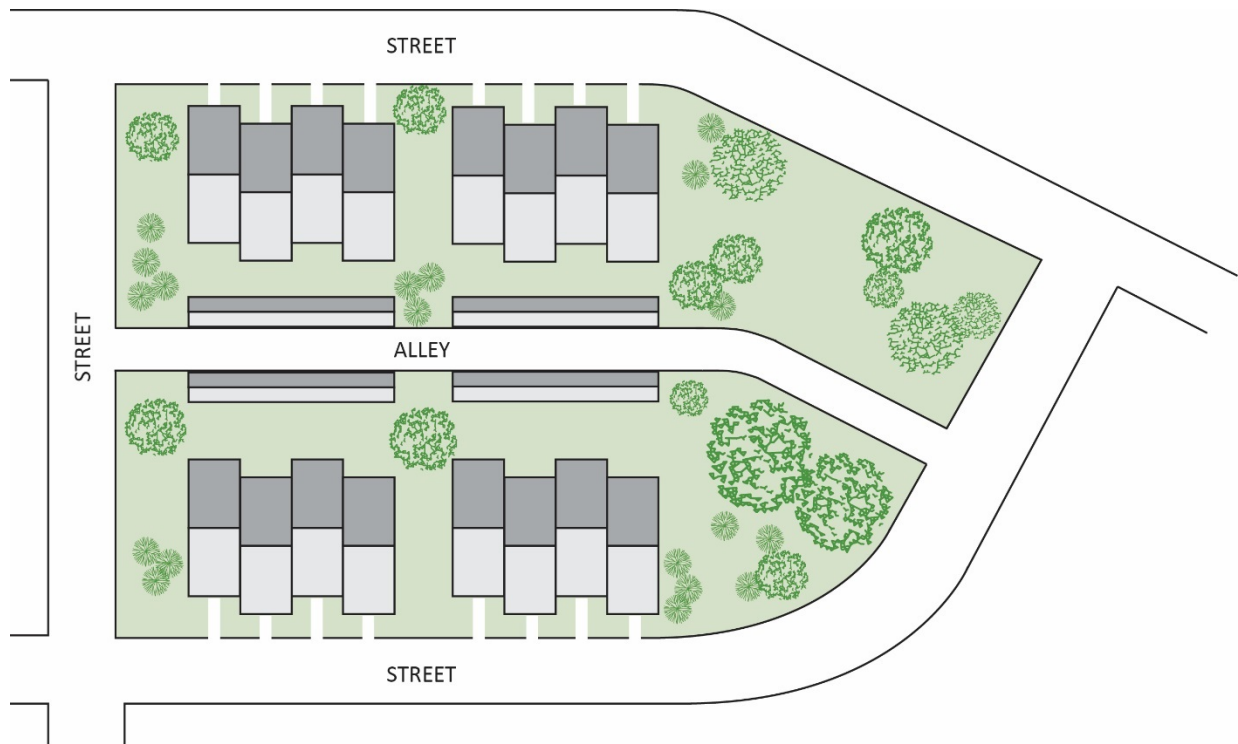


Figure 4- 4 - Example of Site Plan – Townhouse Dwelling

Table 4- 1- Lot Area, Lot Width, Maximum Height and Yard Requirements for Low Density Uses Permitted as of Right in Residential Districts

DIMENSIONS	DISTRICTS							
	AA	A	A-2	A-3.5	B	B-2	C	D
MAXIMUM HEIGHT								
A. Principal Building								
1. Stories (whichever is less)	2.5	2.5	2.5	2.5	2.5	2.5	2.5	3.5
2. Feet (whichever is less)	35	35	35	35	35	35	35	45
LOT REQUIREMENTS								
A. Minimum Lot Size Per Unit								
1. Single-family detached (sq. ft.)	43,560	20,000	14,000	35,000	10,500	7,500	6,000	6,000
2. Multi-Family								
a. Apartment style (sq. ft.)	NA	NA	NA	NA	NA	NA	NA	6,000
b. Two-Family (sq. ft.)	NA	NA	NA	NA	NA	NA	NA	6,000
c. Three-Family (sq. ft.)	NA	NA	NA	NA	NA	NA	NA	6,000
d. Townhouse (sq. ft.)	NA	NA	NA	NA	NA	NA	NA	6,000
B. Minimum Lot Width								
1. Single-family detached (ft.)	150	100	80	100	70	60	50	50
2. Multi-Family								
a. Apartment style (ft.)	NA	NA	NA	NA	NA	NA	NA	100
b. Two-Family (ft.)	NA	NA	NA	NA	NA	NA	NA	80
c. Three-Family (ft.)	NA	NA	NA	NA	NA	NA	NA	90
d. Townhouse (ft.)	NA	NA	NA	NA	NA	NA	NA	18
MINIMUM YARD REQUIREMENTS								
A. Front Yard								
1. Single-family detached (ft.)	50	50	40	50	35	35	30	30
2. Multi-Family								
a. Apartment style (ft.)	NA	NA	NA	NA	NA	NA	NA	30
b. Two-Family (ft.)	NA	NA	NA	NA	NA	NA	NA	30
c. Three-Family (ft.)	NA	NA	NA	NA	NA	NA	NA	30
d. Townhouse (ft.)	NA	NA	NA	NA	NA	NA	NA	²
B. Side Yards (each)								
1. Single-family detached (ft.)	25	15	10	15	8		5	5
a. Total								
						13		
b. Minimum								
						5		
2. Multi-Family								
a. Apartment style (ft.)	NA	NA	NA	NA	NA	NA	NA	10
b. Two-Family (ft.)	NA	NA	NA	NA	NA	NA	NA	8
c. Three-Family (ft.)	NA	NA	NA	NA	NA	NA	NA	10
d. Townhouse (ft.)	NA	NA	NA	NA	NA	NA	NA	³
C. Rear Yard								
1. Single-family detached (ft.)	60	35	35	35	35	30	30	30
2. Multi-Family								
a. Apartment style (ft.)	NA	NA	NA	NA	NA	NA	NA	40
b. Two-Family (ft.)	NA	NA	NA	NA	NA	NA	NA	30
c. Three-Family (ft.)	NA	NA	NA	NA	NA	NA	NA	30
d. Townhouse (ft.)	NA	NA	NA	NA	NA	NA	NA	³

² Subject to the specific townhouse standards contained in Chapter 4, Section 4-3.6.

Table 4- 2 - Lot Area, Lot Width, Maximum Height and Yard Requirements for Single Family Detached Dwellings in ~~Planned Unit~~ Site Plan Review Developments (~~PUD's~~)

DIMENSIONS		DISTRICTS						
		AA	A	A-2	<u>A-3.5</u>	B	B-2	C
MAXIMUM HEIGHT								
A. Principal Building								
1. Stories (<i>whichever is less</i>)		2.5					3.5	
2. Feet (<i>whichever is less</i>)		35					45	
LOT REQUIREMENTS								
B. Minimum Lot Size Per Unit								
1. Patio dwelling (sq. ft.)		2,700						
2. Zero-lot-line (sq. ft.)		5,000						
3. Clustered (sq. ft.)		6,000						
C. Minimum Lot Width								
1. Patio dwelling (ft.)		38						
2. Zero-lot-line (ft.)		45						
3. Clustered (ft.)		50						
MINIMUM YARD REQUIREMENTS								
A. Front Yard		<p>See Section 4-2.5, Single Family Planned Unit <u>Site Plan</u> Development (PUD) Standards for Patio, Zero-Lot Line and Single Family Detached, Clustered Dwellings for Additional Single Family Planned Unit Development Standards</p>						
1. Patio dwelling (ft.)								
2. Zero-lot-line (ft.)								
3. Clustered (ft.)								
B. Side Yards (<i>each</i>)								
1. Patio dwelling (ft.)								
2. Zero-lot-line (ft.)								
3. Clustered (ft.)								
C. Rear Yard								
1. Patio dwelling (ft.)								
2. Zero-lot-line (ft.)								
3. Clustered (ft.)								

CHAPTER 5 - COMMERCIAL DISTRICTS

5-1 GENERAL PROVISIONS

5-1.1 *Statement of Intent*

The Commercial Districts, which include the O Office district and the E Retail Business Districts, are intended to provide controlled and harmonious settings for office developments and business/commercial developments, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values and the tax base, to encourage high quality of design in office and business/commercial developments, and to help implement land use plans, thoroughfare plans and corridor studies adopted by the Township.

5-1.2 *Impact Controls and General Restrictions*

- A. Mechanical Equipment to be Screened. All mechanical equipment visible from public streets shall be screened so it is not visible from a public right-of-way or property line.
- B. Refuse Control. Temporary storage of refuse materials shall be limited to that produced on the premises. Refuse containers must be covered and shall be stored within completely enclosed buildings or placed in corrals providing complete screening from public streets and residential districts or any districts with permitted uses in accordance with Chapter 10, Section 10-5, Dumpsters and Trash Handling Areas for Commercial Districts.
- C. Sensory and Nuisance Impacts. Processes, equipment, and goods for sale shall be limited to those that are not objectionable to the enjoyment and use of adjoining and adjacent zoning lots which are within 600 feet, because of odor, dust, smoke, gases, vapors, noise, light, vibration, refuse matter or water-carried waste.

Noise levels must be controlled to prevent sound levels beyond the property line, at locations zoned or used for residential purposes, not to exceed 62 decibels (dBA) between the hours of 7:00 AM to 10:00 PM and 52 decibels (dBA) between the hours of 10:00 PM and 7:00 AM.

Any use or dissemination of sensory or fire, explosive, or radioactive material in a manner or quantity that endangers the public health, safety, comfort or welfare is hereby declared a public nuisance and shall be unlawful.

- D. Lighting. On site lighting shall be located, directed or designed in such a manner as to contain and direct light and glare only to the property on which it is located in accordance with Chapter 12, Section 12-7, Outdoor Lighting.
- E. Permanent Outdoor Storage or Display. The outdoor storage or display of merchandise material or inventory shall:
 1. Not encroach into areas of required parking.
 2. Not be located in any required pervious surface area within the lot.
 3. Not include the use of banners, pennants or strings of pennants.
 4. Be required to be fully screened with opaque fencing not to exceed eight (8) feet in height.

5-1.3 Accessory Uses and Structures

Accessory uses and structures shall be permitted in the O district and E district subject to the provisions of Chapter 10, Accessory Uses and Structures.

5-1.4 Conditional Uses

Conditional uses in the Commercial districts are listed in Section 3-2, Table of Permissible Uses. Further information on the criteria, standards, and procedures for conditional uses is contained in Chapter 17, Conditional Uses.

5-1.5 ~~Planned Unit Site Plan~~ Developments

The uses specified as ~~Planned Unit Site Plan~~ Developments, ~~PUDS~~-1's in the Table of Permissible Uses found in Section 3-2, Table of Permissible Uses, require approval by the Sycamore Township Zoning Commission pursuant to the standards and procedures for ~~Planned Unit Site Plan~~ Developments set forth in Chapter 18 ~~Planned Unit Site Plan Development Overlay and Review~~ Procedures, and all other applicable requirements of this Resolution. Proposed office and retail uses whose intensity exceeds the maximums indicated in Section 3-2, Table of Permissible Uses, for ~~PUDS~~-1's require ~~PUDS~~-2 approval by the Board of Township Trustees pursuant to Chapter 18, ~~Planned Unit Development Overlay and Site Plan Review~~ Procedures.

5-1.6 Signs

Signs are permitted in the O district and E district subject to the provisions of Chapter 13, Signs.

5-1.7 Lot Area, Bulk and Yard Standards

All uses and structures permitted in the O district and E district shall comply with the lot area, bulk and yard requirements set forth in Table 5-1, Lot Area, Bulk and Yard Requirements in Commercial Districts for Low Intensity Uses Permitted as of Right, found at the end of this Chapter. Additional bulk and yard requirements and exceptions are contained in Section 3-5, Additional Use, Height and Area Regulations and Exceptions.

5-1.8 Parking Standards

All uses and structures permitted in the O district and E district shall comply with the parking requirements set forth in Chapter 12, Off-Street Parking Areas and Loading.

5-1.9 Buffer Yards and Resource Protection

All uses and structures permitted in the O district and E district shall comply with the provisions of Chapters 14, Buffer Yards and Resource Protection and Chapter 15, General Landscape Material Standards.

5-2 THE "O" OFFICE DISTRICT**5-2.1 Purpose**

The purpose of the O Office District established by Section 3-1, Districts, is to provide locations that are suitable for the establishment and operation of professional, institutional and governmental office uses.

5-2.2 Permitted Uses

The uses defined as low intensity office uses in the Table of Permissible Uses found in Section 3-2, Table of Permissible Uses, are permitted as of right in the O district with a Permitted Use Zoning Certificate provided they comply with all requirements of this Chapter and all other applicable requirements of this Resolution.

5-3 THE “E” RETAIL/BUSINESS DISTRICT.

5-3.1 Purpose

The purpose of the E Retail/Business District established by Section 3-1, Districts, is to provide for general business uses and other uses listed in Section 3-2, Table of Permissible Uses that tend to locate along highways with relatively high traffic volumes and that cater to the general public.

5-3.2 Permitted Uses

The uses defined as low intensity commercial uses in the Table of Permissible Uses found in Section 3-2, Table of Permissible Uses, are permitted as of right in the E Retail/Business District with a Permitted Use Zoning Certificate provided they comply with all requirements of this Chapter and all other applicable requirements of this Resolution.

Table 5- 1 - Lot Area, Bulk and Yard Requirements in Commercial Districts for Low Intensity Uses Permitted as of Right

REQUIREMENT ³	O OFFICE DISTRICT	E RETAIL/BUSINESS DISTRICT
A. MAXIMUM HEIGHT		
1. Principal Building		
A. Height (ft.)	35	35
2. Accessory Structures		
A. Stories (whichever less)	1	1
B. Height (ft.)	15	15
B. LOT REQUIREMENTS		
1. Minimum Lot Area (sq. ft.)	20,000	20,000
2. Minimum Lot Width (ft.)	100	100
C. MINIMUM YARD REQUIREMENTS⁴		
1. Front Yard (ft.)	40	30
2. Side Yards (ft. each)	10	10
3. Rear Yard (ft.)	20	20
D. MAXIMUM IMPERVIOUS SURFACE RATIO⁴	.50	.50

³ These standards may be exceeded up to the maximums specified in Section 3-2, Table of Permissible Uses, if approved as a PUDS-1 with appropriate modifications in the above standards pursuant to Chapter 18, [Planned Unit Development Overlay and Site Plan Review](#) Procedures. Proposed commercial uses that exceed PUDS-1 standards in Section 3-2, Table of Permissible Uses, shall require PUDS-2 approval by the Board of Township Trustees with appropriate modifications on the above standards pursuant to Chapter 18, [Planned Unit Development Overlay and Site Plan Review](#) Procedures.

⁴ Also see buffer yard requirements in Chapter 14, Buffer Yards and Resource Protection.

CHAPTER 6 – INDUSTRIAL DISTRICTS

6-1 GENERAL PROVISIONS

6-1.1 *Statement of Intent*

The Industrial district is intended to provide appropriate locations for fabrication, processing, packaging, distribution, storage, and other transportation activities contributing to the economic base of the Township, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values and the tax base, to improve the design quality of industrial areas, and to help implement land use plans, thoroughfare plans and corridor studies adopted by the Township.

6-1.2 *Impact Controls and General Restrictions in the Industrial Districts*

- A. Mechanical Equipment to be Screened. All mechanical equipment visible from public streets and residential districts or any districts with permitted residential uses shall be screened. Mechanical equipment is permitted to be located in the side or rear yards. Mechanical equipment is not permitted to be located in a front yard.
- B. Refuse Control. Refuse containers must be covered and shall be stored within completely enclosed buildings or placed in corrals providing screening from public streets and residential districts or any districts with permitted uses in accordance with Chapter 10, Section 10-5, Dumpsters and Trash Handling Areas for Commercial Districts.
- C. Sensory and Nuisance Impacts. Processes, equipment operations and goods for sale shall be limited to those that are not objectionable to the enjoyment and use of adjoining and adjacent zoning lots which are within 600 feet, because of odor, dust, smoke, gases, vapors, noise, light, vibration, refuse matter or water-carried waste.
 - 1. Noise levels must be controlled to prevent sound levels beyond the property line, at locations zoned or used for residential purposes, to exceed 62 decibels (dBA) between the hours of 7:00 AM to 10:00 PM and 52 decibels (dBA) between the hours of 10:00 PM and 7:00 AM.
- D. Hazards. Any use or dissemination of sensory or fire, explosive, or radioactive material in a manner or quantity that endangers the public health, safety, comfort or welfare is a public nuisance and declared unlawful.
- E. Lighting. On site lighting shall be located, directed or designed in such a manner as to contain and direct light and glare in accordance with Chapter 12, Section 12-7, Outdoor Lighting.
- F. Permanent Outdoor Storage or Display. The outdoor storage or display of merchandise, materials or inventory shall:
 - 1. Not encroach into areas of required parking.
 - 2. Not be located in any required pervious surface area within the lot.
 - 3. Not include the use of banners, pennants, or strings of pennants.
 - 4. Be required to be screened by a solid wall or fencing (including solid entrance and exit gates) not to exceed eight (8) feet in height.

6-1.3 Accessory Uses and Structures

Accessory uses and structures shall be permitted in the F Light Industrial District subject to the provisions of Chapter 10, Accessory Uses and Structures, and 6-2.2, Permitted Uses.

6-1.4 Conditional Uses

Conditional uses in the F Light Industrial District are listed in Section 3-2, Table of Permissible Uses. Further information on the criteria, standards, and procedures for conditional uses are contained in Chapter 17, Conditional Uses.

6-1.5 ~~Planned Unit~~Site Plan Developments

The uses specified as ~~Planned Unit Developments (PUD-1's)~~Site Plan Review Developments in the Table of Permissible Uses found in Section 3-2, Table of Permissible Uses, require approval by the Sycamore Township Zoning Commission pursuant to the standards and procedures for ~~Planned Unit Site Plan Review~~ Developments set forth in Chapter 18, ~~Planned Unit Development Overlay and~~Site Plan Review Procedures, and all other applicable requirements of this Resolution. Proposed industrial uses whose intensity exceeds the maximums indicated in Section 3-2, Table of Permissible Uses, for ~~PUDS~~-1's shall require ~~PUDS~~-2 approval by the Board of Township Trustees pursuant to Chapter 18, ~~Planned Unit Development Overlay and~~Site Plan Review Procedures.

6-1.6 Signs

Signs are permitted in the F Light Industrial District subject to the provisions of Chapter 13, Signs.

6-1.7 Lot Area, Bulk and Yard Standards

All uses and structures permitted in the F district shall comply with the lot area, bulk and yard requirements set forth in Table 6-10, Lot Area, Bulk and Yard Requirements in Industrial Districts for Permitted Uses as of Right, found at the end of this Chapter.

6-1.8 Parking Standards

All uses and structures permitted in the F Light Industrial District shall comply with the parking requirements set forth in Chapter 12, Off-Street Parking Areas and Loading.

6-1.9 Buffer Yards and Resource Protection.

All uses and structures permitted in the F Light Industrial District shall comply with the provisions of Chapters 14, Buffer Yards and Resource Protection and Chapter 15 General Landscape Material Standards.

6-2 THE “F” LIGHT INDUSTRIAL DISTRICT

6-2.1 Purpose

The purpose of the F Light Industrial District established by Section 3-1, Districts, is to create and protect areas for light manufacturing, processing, storage, wholesaling and distribution operations. The standards in this district are designed to provide for the establishment and operation of light industrial uses in a manner that minimizes conflict between industrial uses and nearby residential areas and non-industrial uses.

6-2.2 Permitted Uses

The uses defined as low intensity light industrial uses in the Table of Permissible Uses found in Section 3-2, Table of ~~Permitted~~Permissible Industrial Uses, are permitted as of right in the F Light Industrial District with a Permitted Use Zoning Certificate provided that they comply with all requirements of this Chapter and all other applicable requirements of this Resolution.

Table 6- 1 - Lot Area, Bulk and Yard Requirements in Industrial Districts for Permitted Uses as of Right

REQUIREMENT	F DISTRICT
A. MAXIMUM HEIGHT⁵	
1. Principal Building	
a. Height (ft.)	35
2. Accessory Structures	
a. Stories (whichever less)	1
b. Height (ft.)	15
B. LOT REQUIREMENTS	
1. Minimum Lot Area (sq. ft.)	20,000
2. Minimum Lot Width (ft.)	100
C. MINIMUM YARD REQUIREMENT^{6,6}	
1. Front Yard (ft.)	40
2. Side Yards (Ft. each)	0
3. Rear Yard (ft.)	10
D. MAXIMUM IMPERVIOUS SURFACE RATIO⁶	.50

⁵ These standards may be exceeded up to the maximums specified in Section 3-25, Table of Permissible Industrial Uses, if approved as a ~~PUDS-1~~ with appropriate modifications in the above standards pursuant to Chapter 18, ~~Planned Unit Development Overlay and Site Plan Review~~ Procedures. Proposed industrial uses that exceed ~~PUDS-1~~ standards in Section 3-2, Table of Permissible Uses shall require ~~PUDS-2~~ approval by the Board of Township Trustees with appropriate modifications on the above standards pursuant to Chapter 18, ~~Planned Unit Development Overlay and Site Plan Review~~ Procedures.

⁶ See buffer yard requirements in Chapter 14, Buffer Yard and Resource Protection.

CHAPTER 7 – SPECIFIC PLAN DISTRICTS

7-1 GENERAL PROVISIONS

7-1.1 *Statement of Intent*

Specific Plan Districts are intended to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in the planning and building of all types of development. Within a Specific Plan District, the Township zoning, subdivision, and platting regulations need not be uniform, but may vary in order to accommodate unified development and to promote the purposes of Specific Plan Districts.

7-1.2 *Noise*

Noise levels must be controlled to prevent sound levels beyond the property line, at locations zoned or used for residential purposes. The following shall apply:

- A. Not to exceed 62 decibels (dBA) between the hours of 7:00 AM to 10:00 PM; and
- B. Not to exceed 52 decibels (dBA) between the hours of 10:00 PM and 7:00 AM.

7-1.3 *Accessory Uses and Structures*

Except as otherwise provided in the specific regulations pertaining to each district, accessory uses and structures shall be permitted in the Specific Plan Districts subject to the provisions of Chapter 10, Accessory Uses and Structures.

7-1.4 *Signs*

Except as otherwise provided in the specific regulations pertaining to each district, signs shall be permitted in the Specific Plan Districts subject to the provision of Chapter 13, Signs. The sign standards and regulations for the O, E, and F districts shall apply respectively to the OO, EE, and FF, Districts except as otherwise provided by the Resolution approving the Specific Plan District. The sign standards and regulations for the Residential districts shall apply to the CUP and DD Districts except as otherwise provided by the Resolution approving the Specific Plan District.

7-1.5 *Parking Standards*

Except as otherwise provided in the specific regulations pertaining to each district, all uses and structures permitted in the Specific Plan Districts shall comply with the parking requirements set forth in Chapter 12, Off-Street Parking Areas and Loading.

7-1.6 *Buffer Yards and Resource Protection*

Except as otherwise provided in the specific regulations pertaining to each district, all uses and structures permitted in the Specific Plan Districts shall comply with the provisions of Chapters 14, Buffer Yard and Resource Protection, and Chapter 15, General Landscape Material Standards, and any other applicable Chapters.

7-2 SPECIFIC PLAN DISTRICTS [“Double Letter” Districts]

7-2.1 Purpose

The purpose of Specific Plan Districts is to encourage innovative design and efficiency in the use of land, resources and utilities on sites where, at the election of the property owner, a legally binding and unified plan for the specific use and specific development of the tract assures a harmonious relationship with existing and potential development of the surrounding property. The Specific Plan Districts enable property to be developed under flexible standards based on public review and legislative approval of a comprehensive site plan without the need to conform to uniform zoning requirements of traditional zoning districts.

7-2.2 Classification

Specific Plan Districts shall be classified by categories, according to the provisions as described herein, and each adopted Specific Plan District shall be shown on the official Zoning Map. The five (5) categories of Specific Plan Districts include:

- A. CUP Community Unit Plan Overlay Districts (single-family)
- B. DD Planned Multiple Residence Districts
- C. OO Planned Office Districts
- D. EE Planned Business Districts
- E. FF Planned Light Industrial Districts

7-2.3 Procedure for District Designation

- A. Applicant. The owner or owners of a tract of land, in accordance with the zone amendment procedures in Chapter 16, Amendments, shall submit a PUD-Site Plan for the use and development of such tract for the purposes of, and meeting the requirements set forth in, this chapter.
- B. Approval Criteria. In determining whether a Specific Plan District shall be approved or recommended for approval, the Administrative Official, Sycamore Township Zoning Commission, and Board of Township Trustees should consider the Standards for Amendments (Section 16-4), the Standards for PUD-Site Plans (Section 18-7) and the guidelines for each Specific Plan District in Appendix ~~64~~.
- C. Property Owner Acceptance, Recording and Certification of Compliance. The PUD-Site Plan and supplemental regulations contained in the Resolution of approval by the Board of Township Trustees shall be incorporated in the Amendment to the Zoning Resolution as an integral part of the zoning regulations applicable to the real estate in accordance with the following procedure:
 - 1. Submission. Within ten (10) days after the close of the public hearing by the Board of Township Trustees, or as determined by the Administrative Official, the property owner shall submit a PUD Site plan no more than thirty (30) days, to the Administrative Official, incorporating the following on the plan:
 - a. All revisions to the proposed PUD Plan and all conditions, covenants and related revisions as may be required by the recommendations of the Sycamore Township Zoning Commission and as modified by majority vote of the Township Trustees; and
 - b. A Deed of Acceptance of the PUD Plan and the Amendment executed by the owner of the real estate.

2. Act. Within ten (10) days after receipt of the revised ~~PUD-Site~~ Plan and executed Deed of Acceptance, the Board of Township Trustees shall act on the proposed Amendment pursuant to Section 16-5.7-6 ~~Review Procedure for Amendments – Public Meetings and Hearings Required~~ Board of Township Trustees Action.
3. Recording. After the effective date of the zoning amendment, the clerk of the Board of Township Trustees shall cause such Amendment to be recorded in the land records applicable to the real estate in the office of the Recorder of Hamilton County.
4. Zoning Compliance Plan. After the zoning amendment is recorded, the property owner must submit a Zoning Compliance Plan pursuant to the procedures set forth in Section 18-8, Zoning Compliance Plan – Certification of ~~PUD-Site~~ Plan Compliance, for obtaining a Zoning Certificate.

7-2.4 Permissible Uses

The uses specified in the Table of Permissible Uses found in the Table in Section 3-2, Table of Permissible Uses, may be permitted in Specific Plan Districts provided that the district shall be laid out and developed as a unit according to a ~~PUD (planned unit development)Site~~ Plan, as defined in Chapter 2, Definitions, approved for the specific use or uses and that the plan complies with all other applicable requirements of this Resolution.

7-2.5 Lot Area, Bulk, Height, and Yard Requirements

Except as modified by the Board of Township Trustees' Resolution of approval for any Specific Plan District, the maximum height and bulk, and the minimum lot area and yard requirements shall be as follows:

- A. The requirements for the "CUP" Overlay district shall be the same as the underlying single-family Residence district shown in Table 4-2, Lot Area, Lot Width, Maximum Height and Yard Requirements for Single Family Detached Dwellings in ~~Planned UnitSite Plan~~ Developments (~~PUD's~~), and Section 4-2.5, The "AA, A, A-2, A-3.5, B, B-2 and C" Residential Districts. Nothing in this section shall be deemed to enable modification of the maximum net density for single family districts pursuant to Section 4-2.3, The "AA, A, A-2, A-3.5, B, B-2 and C" Residential Districts.
- B. The requirements for the "DD" district shall be the same as the "D" district shown in Table 4-1, Lot Area, Lot Width, Maximum Height and Yard Requirements for Low Density Uses Permitted as of Right in Residential Districts, except that maximum density for each Planned Multiple Residence district shall be set forth in the Board of Township Trustees' Resolution of approval.
- C. The requirements for the "OO" district shall be the same as the "O" district shown in Table 5-1, Lot Area, Bulk and Yard Requirements in Commercial Districts for Low Intensity Uses Permitted as of Right.
- D. The requirements for the "EE" district shall be the same as the "E" district shown in Table 5-5, Lot Area, Bulk and Yard Requirements in Commercial Districts for Low Intensity Uses Permitted as of Right.
- E. The requirements for the "FF" district shall be the same as the "F" district shown in Table 6-1, Lot Area, Bulk and Yard Requirements in Industrial Districts for Permitted Uses as of Right.

7-2.6 Supplemental Regulations

The standards for each Specific Plan District adopted by the Board of Township Trustees may further restrict the regulations for land use and may relax or further restrict the regulations for lot area, coverage, density, floor area, setback, parking, height, fencing, landscaping or other specific development standards for each Specific Plan District upon finding that conditions peculiar to a specific site and the achievement of the Standards for Amendments (Section 16-4) and Standards for ~~PUD-Site~~ Plans (Section 18-7) require supplemental regulations. Any such supplemental regulations shall be set forth in the Resolution establishing such Specific Plan District or in an amendment thereto.

7-2.7 Violation of Supplemental Regulations and PUD-Site Plan

The supplemental regulations, including conditions, covenants and the PUD-Site Plan, for each Specific Plan District approved in accordance with this Chapter shall be an integral part of the Zoning Resolution and any departure or any modification, except when specifically approved in accordance with Section 18-9, Adjustment to PUD-Site Plans, shall be a violation of the Zoning Resolution and shall be subject to the provisions and penalties prescribed therefore in Chapter 24, Enforcement.

7-2.8 Adjustments to Zoning Compliance Plans and PUD Plans

Adjustments to Zoning Compliance Plans and PUD-Site Plans pertaining to Specific Plan Districts shall be filed and processed pursuant to the procedures set forth in Section 18-9, Adjustment to PUD-Site Plan.

7-2.9 Appeals

The appeal of administrative decisions pertaining to Specific Plan Districts shall be filed and processed pursuant to the procedures set forth in Section 18-10, Appeals.

CHAPTER 8 – SPECIAL PUBLIC INTEREST [SPI] OVERLAY DISTRICTS

8-1 GENERAL PROVISIONS

8-1.1 *Statement of Intent*

An overlay district is intended to provide supplemental regulations or standards pertaining to specific geographic features or land uses, wherever these are located, in addition to, but not necessarily more restrictive than the "base" or underlying zoning district regulations applicable within a designated area. Whenever there is a conflict between the regulations of a base zoning district and those of an overlay district, the overlay district regulations control.

8-1.2 *Definition*

A Special Public Interest (SPI) District is defined as a geographic area exhibiting or planned to contain special and distinctive characteristics that are of significant value or importance to the public. These characteristics include natural phenomena such as unique geologic strata, soil formations, slopes, vegetation, water flow, significant scenic views or other similar natural features, or have physical development features such as substantial public investment in public improvements or community plans that coordinate public and private investment, or have characteristics that include institutional uses or neighborhood support services in residential neighborhoods or village developments in suburban metropolitan areas. An SPI district shall be classified according to an SPI category type, and the characteristics of each SPI district shall be in accord with the characteristics of its type as described in this Chapter.

8-1.3 *Purposes*

The purposes of SPI regulations are to assist the development of land and structures to be compatible with a larger planning area beyond the immediate vicinity of the site and to protect or improve the quality of the environment in those locations where the characteristics of the environment or the amount of public investment are of significant public interest and are vulnerable to damage or loss of public opportunity by the cumulative effect of development in such planning areas permitted under conventional zoning regulations. SPI regulations are required to protect the public and property owners in the district from:

- A. Blighting influences that might be incrementally caused, extended or worsened by the application of conventional land use regulations to properties and areas of sensitive and special public interest;
- B. Significant damage to neighborhoods that contain large institutional and other nonresidential uses or support services;
- C. Significant damage or destruction of prominent wetlands, floodplains, hillsides and/or valleys or other natural resources caused by improper development thereof;
- D. Significant damage to the economic value and efficiency of operation of existing properties and/or new developments due to the interdependence of their visual and functional relationships;
- E. Soil erosion, stream situation and development on unstable land;
- F. The loss or destruction of mature and/or valuable trees and other natural resources;
- G. The detrimental cumulative effects of incremental development decisions in suburban centers, corridors, neighborhoods and villages on:
 1. Conservation and correction of the character, integrity, safety, access and circulation.
 2. Preservation and enhancement of pedestrian safety and views from the public right-of-way.
 3. Balance of convenience and compatibility between residential and nonresidential areas.
 4. Coordination of useful and attractive signage and streetscape elements.
 5. Minimization of traffic congestion and coordination of land use intensity with local capacities and goals.

8-1.4 Identification

The location of all SPI districts shall be shown on the Zoning Map as an overlay zone superimposed in specific areas over existing zoning district areas.

8-1.5 Applicability

Except as otherwise provided herein and in other sections of this Zoning Resolution, all regulations of the underlying zoning districts shall apply to and control property in the SPI district. However, in the case of conflict between the provisions of an underlying zoning district and an SPI district, the provisions of the SPI district shall prevail. The adoption of an SPI district shall not have any effect on a previously approved zoning certificate or ~~PUD~~ Site Plan during the period of validity of such approval.

8-1.6 Creation

The Board of Township Trustees may, from time to time, create SPI districts as defined and containing the characteristics, as set forth in Sections 8-2 through 8-~~54~~ of this Chapter.

8-1.7 Procedure

The establishment or adoption of SPI districts shall be in accordance with the following procedures.

- A. Adoption of Special Public Interest Strategy. Prior to the submittal of an application for initiation of a zoning amendment or supplement for a Special Public Interest (SPI) Overlay District, an SPI strategy shall be duly adopted by the Township Zoning Commission. The strategy shall contain:
1. A boundary map for the proposed overlay district,
 2. Justifications for establishment of the proposed overlay district standards and boundaries including development goals and policies for the area within the proposed boundary, and
 3. The specific supplemental standards proposed for achieving the SPI strategy.

The strategy shall describe in words and/or illustrations the special and distinctive characteristics of public interest that are to be protected, improved or achieved and the related specific and measurable standards or development features that will be required for coordinated implementation of the plan. The SPI Strategy may contain goals, policies and standards for the following physical elements: location of buildings; architectural character of buildings; signage; public spaces; streetscape; building and land use mix, diversity and unifying elements; perimeter buffers; provision of utilities such as sewage disposal; pedestrian and vehicular circulation; parking; open space, landscaping and other elements essential to the achievement of adopted community goals. Prior to the adoption of any SPI Strategy, copies thereof shall be forwarded for review and comment to the appropriate citizen or township groups and township trustees representing the community within the SPI boundary.

- B. Adoption of Zoning Text and Map Amendment. The Board of Township Trustees, pursuant to procedures for zoning amendments in Chapter 16, Amendments, shall approve, deny or modify such standards and boundary recommended in the SPI strategy and incorporates same in the resolution establishing any specific SPI district as a supplement to this Chapter. In the SPI District the adopted specific standards shall serve as supplemental requirements to the regulations of the underlying district in reviewing all requests for zoning certificates within the Overlay District boundary.

8-1.8 Supplemental SPI District Regulations

SPI district standards adopted by the Board of Township Trustees may relax or further restrict the underlying zoning districts regulations for land use, lot area, coverage, density, floor area, setback, parking, height, fencing, landscaping or other specific development standards for specific SPI districts upon finding that conditions peculiar to such district and the achievement of adopted community plans require supplemental regulations. Any such supplemental regulations shall be set forth in the resolution establishing such SPI district or in an amendment thereto.

8-1.9 Classification

SPI districts shall be classified by categories, according to the provisions and qualifications as described herein, and each adopted SPI district shall be shown on the official Zoning Map. The four categories of SPI overlay districts include:

- ~~A. Natural Resource (SPI-NR)~~
- ~~B. Neighborhood Quality (SPI-NQ)~~
- ~~C. Suburban Center / Corridor (SPI-SC)~~

~~8-2 SPECIAL PUBLIC INTEREST NATURAL RESOURCE DISTRICTS~~

~~Special Public Interest (SPI) Natural Resource Districts shall be identified as SPI-NR Overlay Districts.~~

~~8-2.1 Legislative Findings and Specific Purpose~~

~~Natural resources are an important component of quality of life for all residents in the Township. When irreplaceable natural features are threatened, their preservation should be weighed and evaluated in relation to public and private interests.~~

- ~~A. The existence of a twenty (20) percent slope, in combination with Miami town Shale or Kope geologic formation, is evidence of a condition of natural critical stability, and development under conventional regulations may precipitate landslides or excessive soil erosion. Additional regulations are needed to preserve the prominent views from the top or from the slopes of the hillside and the natural contours thereof.~~
- ~~B. Hillsides, as community separators or boundaries, are historic aids to the identification of residential communities which help citizens to relate to their communities and to relate the social organizations of communities to their physical environments.~~
- ~~C. The location of natural resources often coincides with prime development sites. Long term benefits of conserving natural resources in a suburban area can be achieved through innovative development regulations based on the Township comprehensive land use plan.~~

~~8-2.2 Characteristics~~

~~SPI-NR districts shall be limited to geographic areas included in a SPI Natural Resource Protection Strategy (as defined in Section 8-1.7, Procedure) adopted by the Township Zoning Commission and containing one or more of the following characteristics:~~

- ~~A. Lakes, rivers, floodplains, wetlands, mineral deposits, aquifers, forests, parks, or hillsides (20% slope or greater) or other natural features of significant public interest;~~
- ~~B. Existence of Miami town Shale or Kope geologic formations, or soils classified as having severe constraints for development;~~

- ~~C.—Prominent hillsides and natural resources which are readily viewable from a public thoroughfare;~~
- ~~D.—Scenic areas providing views of a major stream or valley or other natural resource;~~
- ~~E.—Hillsides and other natural features functioning as community separators or community boundaries;~~
- ~~F.—Hillsides which support a substantial natural wooded cover.~~

~~8-2.3 — Designation~~

~~The SPI-Natural Resource Districts which meet the characteristics contained in Section 8-2.2, Characteristics, are listed below and are illustrated on the official zoning map. The adopted specific standards for each Natural Resource District listed below are included in this Zoning Resolution as a supplement to this Chapter.~~

~~8-3 — SPECIAL PUBLIC INTEREST — NEIGHBORHOOD QUALITY DISTRICTS~~

~~Special Public Interest (SPI) Neighborhood Quality Districts shall be identified as SPI-NQ Overlay Districts.~~

~~8-3.1 — Legislative Findings and Specific Purpose~~

~~Balancing the benefits of growth and development of institutions and neighborhood support services with the livability of adjacent residential neighborhoods requires protection over and above the protection provided by conventional zoning regulations as follows:~~

- ~~A.—To support convenience to services and quality of environment by providing sufficient land for public and private services and educational and research institutions;~~
- ~~B.—To promote the orderly growth and expansion of such institutions and support services located in residential neighborhoods;~~
- ~~C.—To require the development and maintenance of buffer yards on institutional and other nonresidential properties to protect adjoining residential neighborhoods from the noise, glare and congestion associated with the intensity of diverse land uses;~~
- ~~D.—To promote compatibility between nonresidential uses and surrounding residential uses, and~~
- ~~E.—To plan for unusual intensity or density of development.~~

~~8-3.2 — Characteristics~~

~~SPI-NQ districts shall be limited to geographic areas included in an SPI-Neighborhood Quality Strategy (as defined in Section 8-1.7, Procedure) adopted by the Township Zoning Commission and which contain or are planned to contain all of the following characteristics:~~

- ~~A.—Land uses including or adjacent to neighborhood retail and support services (for example hospitals, clinics, educational facilities, and research facilities) or other institutional uses;~~
- ~~B.—Close proximity of diverse land uses to a residential neighborhood.~~

~~8-3.3 — Designation~~

~~The SPI-Neighborhood Quality Districts which meet the characteristics contained in Section 8-2.2, Characteristics, are listed below and are illustrated on the official zoning map. The adopted specific standards for each Neighborhood Quality District listed below are included in this Zoning Resolution as a supplement to this Chapter.~~

8-42 SPECIAL PUBLIC INTEREST-SUBURBAN CENTER/CORRIDOR DISTRICTS

Special Public Interest (SPI) Suburban Center or Suburban Corridor Districts shall be identified as SPI-SC Overlay Districts.

8-24.1 Legislative Findings and Specific Purpose

Business districts and corridors are recognized as principal focal points of community activity providing an economic resource and a center for community orientation. It is in the interest of the Township to protect and enhance the features of public interest in such business districts by:

- A. Preventing the deterioration of property and the extension of blighting conditions;
- B. Encouraging and protecting private investment which improves and stimulates the economic vitality and social character of the area;
- C. Preventing the creation of influences averse to the physical character of the area.

8-42.2 Characteristics

SPI-SC districts shall be limited to geographic areas included in a SPI-Suburban Center or SPI-Suburban Corridor Strategy (as defined in Section 8-1.7, Procedure) adopted by the Township Zoning Commission and which contain or are planned to contain the following characteristics:

- A. A concentration of retail and service oriented commercial establishments serving as a principal business activity center for a sociodemographic neighborhood, community, or region;
- B. An area that has received or been approved for substantial public investment.
- C. An area that is planned for unusual intensity or density of development.

8-24.3 Designation

The SPI-Suburban Center Districts and Suburban Corridor Districts which meet the characteristics contained in Section 8-2.2, Characteristics, are listed below and are illustrated on the official zoning map. The adopted specific standards for each Suburban Center/Corridor District listed below are included in this Zoning Resolution as a supplement to this Chapter.

8-24.3.1 Special Public Interest District – Suburban Center/Corridor, Kenwood/ Montgomery Road Corridor Overlay

8-42.3.1.1 Purpose

The purpose of the SPI-SC Kenwood/Montgomery Road Corridor Overlay is to establish and maintain areas of economic resources and centers for community orientation. It is in the interest of the Township to protect and enhance the features of public interest in such business districts by:

- A. Preventing the deterioration of property and the extension of blighting conditions;
- B. Encouraging and protecting private investment which improves and stimulates the economic vitality and social character of the area; and
- C. Preventing the creation of influences averse to the physical character of the area.

Unless otherwise identified in the Sections below, the underlying zoning district regulations shall remain in full force.

8-42.3.1.2 Permitted Uses

Permitted uses within this overlay district shall be as follows and as further identified in Table 3-24 – Table of Permissible Retail, Commercial and Service Uses:

- A. Office
- B. Retail Shopping – Greater than 100,000 square feet in gross floor area
- C. Public Service Uses
- D. Recreation, Community Facility – Public
- E. PUDS-2; any use listed above; I.S.R. above .50

8-24.3.1.3 Accessory Uses

Accessory uses and structures shall be permitted in this overlay district subject to the provisions of Chapter 10, Accessory Uses and Structures, and Table 8-1, Lot Area, Bulk and Yard Requirements for the Kenwood/Montgomery Road Corridor Overlay.

8-24-3.1.4 Other Uses

Other uses within this overlay district shall be permitted as follows and as further identified in Table 3-2 – Table of Permitted Uses, Chapter 17, Conditional Uses, and Chapter 18, Site Plan Review. Uses not listed in this list or in Section 8-4.3.1.2 are not permitted in the Montgomery Road / Kenwood Road corridor overlay district.

- A. Institutional Uses (Conditional Use)
- B. Churches (Conditional Use)
- C. Mixed Use; Retail Shopping / Office and or Residential (PUD-S-2)
- D. Retail - Shopping – Less than 100,000 square feet in gross floor area. (PUD-S-2)
- E. Retail - Commercial Entertainment Facility (PUD-2S-2)
- F. Retail – Personal Services (PUD-S-2)
- G. Restaurant – Without Drive Thru or Drive up service (PUD-S-2)
- H. Gasoline Service Station / Convenience Mart (PUD-S-2)
- I. Nursing and Convalescent Home (Conditional Use)

8-42.3.1.5 Lot Area, Bulk and Yard Requirements for the Kenwood/Montgomery Road Corridor Overlay

The following table represents the lot development standards for the Kenwood/Montgomery Road Corridor Overlay.

Table 8- 1 - Lot Area, Bulk and Yard Requirements for the Kenwood/Montgomery Road Corridor Overlay

Requirement	Overlay District
A. Maximum Height	
1. Principal Building Height (ft.)	40
2. Accessory Structure Height (ft.)	20
B. Lot Requirements	
1. Minimum Lot Area (sq. ft.)	20,000
2. Minimum Lot Width (ft.)	100
C. Minimum Yard Requirements	
1. Front Yard (ft.)	40
2. Side Yards (ft. each)	20
3. Rear Yard	20
D. Maximum Impervious Surface Ratio (unless otherwise identified in Section 8-4.3.1.5)	.50

8-42.3.1.6 Vehicular Use Areas

Except as otherwise identified in the specific regulations below, vehicular use areas shall be regulated as established in Chapter 12, Off-Street Parking Areas and Loading.

- A. Location of Required Parking Spaces. Off-street parking areas may be located in the front yard setback. However, the off-street parking area shall not encroach into any streetscape buffer or be any closer than ten (10) feet to the public right of way.
- B. Joint and Shared Parking. Joint and shared parking is encouraged in the Kenwood/ Montgomery Road Corridor Overlay District. Off-Street Parking Requirements for individual uses may be reduced by up to twenty (20) percent, per parcel, for joint and shared parking arrangements. A recorded agreement from the owner, or between owners involved, and all future owners or assigns, shall be submitted with the required parking plan as identified in Section 12-2, Applicability.
- C. Access to Off-Street Parking. No off-street parking area shall be so designed that parking spaces are accessed directly from the street or right-of-way.
- D. Parking for Residential Dwelling Conversions. Parking for residential dwellings that have been converted into a non-residential use shall locate parking to the rear of the property, using the

existing driveway as access to the spaces and shall follow the same parking requirements as indicated in Table 12-3, Schedule of Off-Street Parking Requirements, for the building use.

8-24.3.1.7 Signs

Except as otherwise identified in this Chapter, signs shall be regulated as established in Chapter 13, Signs.

8-24.3.1.8 Building Materials and Design Standards

- A. Rooflines. Buildings incorporating flat roofs shall provide architectural features to break up the flat line created by the roof.
- B. Materials and Architectural Treatment.
 1. The use of reflective metals and painted/unpainted cinderblock shall be prohibited for any façade of a building or structure that can be seen from the public right-of-way. Brick and natural stone are the preferred material and shall be no less than 75% of the exterior building materials.
 2. All walls that are visible from the public right-of-way shall include windows, doors or other architectural features to prevent blank walls on any story of the structure.
- C. Orientation.
 1. Buildings erected at the corner of a street intersection shall provide a primary entrance that is visible from both streets.
 2. The front wall of the principal structure shall be parallel to Montgomery, Kenwood or Galbraith Road.

8-24.3.1.9 Vehicular Use Areas

The interior landscaping and streetscape buffering of vehicular use areas shall be regulated as established in Chapter 12, Off-Street Parking Areas and Loading, and Chapter 14, Buffer Yards and Resource Protection, of this Zoning Resolution.

8-42.3.1.10 Buffer Yards and Resource Protection

Buffering is required between adjoining parcels, subject to the provisions of Chapter 14, Buffer Yards and Resource Protection, of this Resolution.

8-42.3.1.11 Definitions

- A. Retail – Shopping. Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This does not include adult entertainment or sexually oriented businesses.
- B. Retail - Commercial Entertainment Facility. A facility for any profit-making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, amusement parks, bowling alleys, race tracks, miniature golf, video game rooms and similar entertainment activities. Commercial Entertainment Facilities do not include adult entertainment or sexually oriented businesses.
- C. Retail - Personal Services. Any enterprise conducted for gain which primarily offers services to the general public such as a health club, fitness facility, shoe repair, watch repair, barber shop, beauty parlor, dry cleaner and similar activities but excluding sexually oriented business and other adult entertainment services.

8-63 DEVELOPMENT AUTHORIZATION**8-36.1 Applications; Contents**

Applications for zoning certificates in SPI districts shall be made to the Zoning Administrator pursuant to Chapter 20, Zoning Certificates, General, Application Procedures and Fees. Applications shall be made on such form or forms as may be provided. The information required for submission shall demonstrate the compliance of the proposed improvement, construction or development with the specific standards for the SPI district as well as all requirements of the underlying district not in conflict with the SPI standards.

8-36.2 Modification Procedure

Any supplemental regulations adopted pursuant to this Chapter may be modified as provided in Section 8-6.3, Modification Limits, after public hearing upon a finding by the Township Zoning Commission that the modifications will result in public benefit through substantial improvements related to any of the following conditions:

- A. Provision will be made for substantial usable open space where the slope does not exceed ten (10) percent for the use of the occupants of the area;
- B. Usable open space will be created for the public by the dedication of public areas or space;
- C. The restoration of plant materials will be accomplished by the planting of trees, shrubs, and ground covers;
- D. Utility and other service distribution lines will be placed underground;
- E. An improvement in public safety will result;
- F. An improvement in energy conservation will result;
- G. The use of creative site planning and design in order to provide for efficient use of land and an improved environment will result.

8-36.3 Modification Limits

Upon having made the findings set forth in Section 8-36.2, Modification Procedure, the regulations set forth therein may be modified by the Township Zoning Commission up to the following limits:

- A. The gross dwelling unit density and floor area limitations of any area proposed for development shall remain unchanged and conform to the basic overall density and floor area limitations of the supplemental regulations in the SPI District. However, lot dimensions, building height, building setbacks, parking requirements, front, side, and rear yard requirements or other specific development standards may be modified to provide for a more functional and desirable use of the property.
- B. Height limitations may be removed, provided such additional stories to dwelling structures shall not:
 - 1. Increase gross dwelling unit densities or floor area as set forth in the approved development plan;
 - 2. Such heights shall result in appropriate reduction in building coverage and adherence to the objectives set forth in this chapter; and
 - 3. Such heights shall not adversely affect surrounding structures.
 - 4. Accessory Uses and Structures

CHAPTER 9 – NONCONFORMITIES

9-1 GENERAL PROVISIONS

9-1.1 Purpose

This Chapter regulates the continued existence of uses, structures and lots lawfully established prior to the effective date of this Resolution that do not conform to the regulations of this Resolution applicable in the zoning districts in which such uses, structures and lots are located. The continued existence of nonconforming uses is frequently inconsistent with the purposes for which such regulations are established. Thus their gradual elimination is generally desirable. The regulations of this Chapter generally permit such nonconformities to continue without specific limitation of time but are generally intended to restrict further investments in such uses that would make them more permanent or less desirable. The regulations also restrict further investment in noncomplying structures and lots of record that would increase the degree of noncompliance.

This Chapter recognizes, through provisions for compatible nonconforming uses, that the improvement of a nonconforming use may be desirable in unique circumstances to achieve additional protection of adjacent property and benefit the surrounding neighborhood.

This Chapter also recognizes that new standards for landscape, buffers, height and setback requirements may conflict with the investment backed expectations of owners of developments that existed prior to the adoption of these regulations and therefore allows limited exception from such regulations to minimize the effect of these standards on existing property rights.

9-1.2 General Scope of Regulations

These regulations apply to the following categories of nonconformities:

- A. Nonconforming uses of land and of complying structures;
- B. Noncomplying structures;
- C. Noncomplying lots of record;
- D. Compatible nonconforming uses.

Development that was approved as-of-right prior to the effective date of this Resolution or which were approved as a permissible use as part of a [PUD Site Plan Development](#) or Conditional Use by this Resolution shall not be classified as a nonconforming use.

9-1.3 Exception for Repairs Pursuant to Public Order

Nothing in this Chapter shall be deemed to prevent the strengthening or restoration, to a safe condition, of a nonconforming structure in accordance with an order of a public official charged with protecting the public safety that declares such structure to be unsafe and orders its restoration to a safe condition. This is provided such restoration is not otherwise in violation of the various provisions of this Chapter prohibiting the repair or restoration of partial structures or signs.

9-1.4 Nonconforming Accessory Uses and Structures

No use, structure or sign that is accessory to a principal nonconforming use or structure shall continue after such principal use or structure has been voluntarily discontinued for two (2) years or more, unless it conforms to all the current regulations of the zoning district in which it is located.

9-1.5 Burden of Establishing Legality of Nonconformity

The burden of establishing that any nonconforming use lawfully exists under the provisions of this Resolution shall, in all cases, be upon the owner of such nonconformity and not upon the Township.

9-1.7 Zoning Certificate for Legal Nonconformity

The owner of any nonconforming use may, at any time, apply to the Zoning Inspector for a Nonconforming Use Zoning Certificate to establish the legality of such nonconformity as of a specified date. Such application shall be filed and processed pursuant to the provisions of Chapter 20, Zoning Certificates, General Application Procedure and Fees.

9-2 NONCONFORMING USES**9-2.1 Authority to Continue**

Any lawfully existing use of land or of any structure which becomes nonconforming through an amendment of this Resolution or the Zoning Map, may be continued. So long as no structural alterations are made, it may be changed to another nonconforming use or a more restricted use permitted as-of-right in the zoning district in which it is located.

9-2.2 Nonconforming Use Discontinued

If a lawfully existing nonconforming use of land or of any structure is voluntarily discontinued for two (2) years or more, any future use shall conform to all the regulations of the zoning district in which it is located, unless approved by the Board of Zoning Appeals according to the provisions of Section 9-5, Compatible Nonconforming Uses.

9-2.3 Ordinary Repair and Maintenance of Structures

Normal maintenance and incidental repair, replacement and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing may be performed on any structure that is devoted in whole or in part to a nonconforming use or that is accessory to a nonconforming use of land.

9-2.4 Structural Alteration

Except as authorized by the Board of Zoning Appeals pursuant to Section 9-5, Compatible Nonconforming Uses, no structure that is devoted in whole or in part to a nonconforming use, or that is accessory to a nonconforming use of land, shall be structurally altered unless the use thereof shall thereafter conform to the use regulations of the zoning district in which it is located. No such alteration shall create a new parking, loading, bulk, yard, space or other nonconformity or increase the degree of any existing parking, loading, bulk, yard, space or other nonconformity of such structure.

9-2.5 Enlargement of Structure

Except as authorized by the Board of Zoning Appeals pursuant to Section 9-5, Compatible Nonconforming Uses, no structure that is devoted in whole or in part to a nonconforming use or that is accessory to a nonconforming use of land, shall be enlarged or added to in any manner, including the interior addition for floor area, unless the use of such structure shall thereafter conform to the use regulations of the district in which it is located. Except as authorized by the Board of Zoning Appeals, no such enlargement shall create any new parking, loading, bulk, yard, space or other nonconformity or increase the degree of any existing parking, loading, bulk, yard, space or other nonconformity of such structure.

9-2.6 Extension of Use Prohibited

Except as authorized by the Board of Zoning Appeals pursuant to Section 9-5, Compatible Nonconforming Uses, a nonconforming use of land or of a structure shall not be extended. Such prohibited activity, unless otherwise authorized by the Board, shall include:

- A. An extension of such use, including its accessory uses, to any structure or land area other than that occupied by such nonconforming use on the effective date of this Resolution or any amendment thereto that causes such use to become nonconforming;
- B. An extension of such use, including its accessory uses, within a building to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this Resolution or any amendment hereto that causes such use to become nonconforming; and
- C. An extension of the hours of operation of such use beyond the normal hours of operation on the effective date of this Resolution, or any amendment hereto that causes such use to become nonconforming.

9-2.8 Damage or Destruction

If a structure housing a nonconforming use is completely destroyed by any means, the structure shall not be restored and the nonconforming use shall not be resumed without authorization by the Board of Zoning Appeals pursuant to Section 9-5, Compatible Nonconforming Uses by the grant of a Zoning Certificate following a public hearing. The restored nonconforming use shall be accomplished without increasing the degree of any square footage, parking, loading, bulk, yard, space or other nonconformity existing prior to such damage or destruction.

9-3 NONCOMPLYING STRUCTURES**9-3.1 Authority to Continue**

Any noncomplying structure that is devoted to a use that is permitted in the zoning district in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions of this Chapter. The term “structure” includes buildings, walls, fences, signs or any other man made physical component.

9-3.2 Repair, Maintenance, and Alterations

Any noncomplying structure may be repaired, maintained or altered (including expansion); provided, however, that any such repair, maintenance or alteration shall not create any new nonconformity nor increase the degree of the existing nonconformity of all or any part of such structure (e.g. allow additional space for a nonconforming use).

9-3.3 Moving

No noncomplying structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

9-3.4 Damage or Destruction

Any noncomplying structure that is damaged or destroyed by any means not within the control of the owner, thereof, to the extent of more than sixty percent (60%) of the cost of replacement of such new structure shall not be restored unless its restoration has been authorized by the Board of Zoning Appeals pursuant to Section 9-5, Compatible Nonconforming Uses, by the grant of a Zoning Certificate following a public hearing. However, no repairs or restorations shall be made unless restoration pursuant to the Zoning Certificate is actually begun within one (1) year after the date of such partial damage or destruction and is diligently pursued to completion. The determination of the extent of damage or destruction under this Section 9-3.4, Noncomplying Structures, shall be based on the ratio of the estimated cost of restoring the structure to its condition before the damage or destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage or destruction. The estimate for this purpose shall be made by the Administrative Official.

This Section shall not apply to any residential dwellings, to any structures accessory to such dwellings, nor to any signs as provided in Section 13-4.3, Zoning Certificate and Permits.

9-4 NONCONFORMING LOTS OF RECORD

9-4.1 Authority to Utilize for Dwellings

In any district in which dwellings are a permitted use, notwithstanding the regulations imposed by any other provisions of this Resolution, a dwelling of the type permitted in the district in which the lot is located and that complies with the restrictions of Section 9-4.2, Regulations for Single Family Use of Nonconforming Lots, may be erected on a legal nonconforming lot.

9-4.2 Regulations for Single Family Use of Nonconforming Lots

Any lot of record on the initial effective date of this Resolution may be used for any single family dwelling when such use is permitted in the district, ~~irrespective of the width or area of said lot. However:~~ However, the current code setbacks must be met.

- ~~A. The width of the side yard of any such lot need not exceed ten (10%) percent of the width of the lot;~~
- ~~B. The depth of the rear yard need not exceed twenty (20%) percent of the depth of the lot, provided, however, that in no instance shall the minimum dimensions of the side and rear yards be less than three (3) feet and ten (10) feet respectively.~~
- ~~C. The depth of the front yard shall be the same as the adjoining lots, or an average of the adjoining lots, if different.~~
- ~~D. Accessory structure yards shall be as required by the district regulations.~~

9-4.3 Other Uses of Nonconforming Lots

In any district in which dwellings are not permitted as-of-right, a legal nonconforming lot of record may be used for any use permissible in the district in which it is located if, but only if, the development of such lot meets all requirements of the district in which it is located, including impervious surface ratio and yard requirements, except lot area, width and depth requirements.

9-5 COMPATIBLE NONCONFORMING USES

Notwithstanding the foregoing provisions to the contrary, the usable area of a nonconforming use may be increased or improved where the owner of such use can demonstrate through application to the Board of Zoning Appeals that the manner in which the usable area of the nonconforming use will be increased or improved will have no adverse impact upon adjacent property owners and other permitted land uses in the surrounding neighborhood or can be made compatible with the adjacent property owners and the uses in the surrounding neighborhood upon compliance with specified conditions as determined by the Administrative Official.

9-5.1 Application

The owner shall submit a development plan application to the Board of Zoning Appeals (BZA) on a form provided by the Planning & Zoning Department pursuant to the hearing procedures of Section 22-4, Procedure (Variances). The application shall address site plan features and considerations, including but not limited to:

- A. The location and size of the property, in square feet, including setbacks and lot dimensions;
- B. The use of the property on the effective date of this Resolution;
- C. All uses adjacent to the property and within five hundred feet of the subject property;
- D. All existing structures, yards, utility easements, rights-of-way, floodplains and wooded areas on and adjacent to the property;
- E. The density (in terms of dwelling units per acre) and the intensity (in terms of impervious surface ratio or gross square footage) of the nonconforming use;
- F. Landscaping;
- G. Architectural treatment;
- H. Traffic impact;
- I. The reasons why the nonconforming use is considered compatible with and will have no adverse impact on the land uses permitted in the district in which it is located; and
- J. Nature and extent of additional protection from adverse impacts afforded to adjacent property owners.

9-5.2 Review and Decision

On the basis of the completed application and consideration of the elements set forth in Section 9-5.1 Compatible Nonconforming Uses Application, the Administrative Official shall prepare and submit to the Board of Zoning Appeals a report that sets forth findings and recommendations. Upon receipt of the Official's written report, the Board of Zoning Appeals shall approve or deny the application in accordance with its public hearing procedures as outlined in Section 22-4, Procedure (Appeals to the Board of Zoning Appeals). In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards to assure that the nonconformity does not adversely affect orderly development and the value of nearby property including, but not limited to:

- A. Required improvement of, or modifications to existing improvements on the property;
- B. Limitations on hours of operations; and
- C. Limitations on the nature of operations.

CHAPTER 10 – ACCESSORY USES AND STRUCTURES

10-1 GENERAL AUTHORIZATION

Except as otherwise expressly provided or limited in this Chapter, accessory uses and structures, as defined in Chapter 2, Definitions, are permitted in any zoning district in connection with any principal use lawfully existing within such district provided such uses and structures conform to all applicable requirements of this Resolution. Any accessory use or structure may be approved in conjunction with the approval of the principal use.

10-2 ZONING CERTIFICATES

No accessory use or structure shall be established or constructed unless a Zoning Certificate evidencing compliance of the proposed use or structure with the provisions of this Chapter and all other applicable regulations of this Resolution has first been issued in accordance with Chapter 20, Zoning Certificates, General Application Procedures and Fees, unless otherwise stated below.

10-2.1 Exemptions

A satellite dish antenna as identified in Section 10-6.1, Satellite Dish Antennas shall be exempt from all zoning regulations and shall not require a Zoning Certificate.

Other accessory uses not requiring Zoning Certificates but subject to requirements of this Chapter include: ornamental landscape structures (Section 10-3.4), swing sets, jungle gyms and other play devices not requiring a building permit (Section 10-3.5), dumpsters and trash handling areas (Section 10-5) handicap ramps attached the main structure (Section 3-5.79), automobile rentals (Section 10-10) and flag poles (Section 3-5.5).

10-3 USE LIMITATIONS

In addition to the applicable use limitations of the district in which it is located, no accessory use or structure shall be permitted unless it complies with the following restrictions:

10-3.1 Principal Structure Permit Required

- A. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building be moved onto a zoning lot of record which does not conform to and meet the requirements of this Zoning Resolution except as explicitly provided by the administrative provisions of this Resolution.
- B. No accessory use or structure shall be approved, established or constructed before the principal use is approved in accordance with these regulations. Accessory buildings that are to be used for storage materials necessary for the construction of the principal structure may be erected upon a lot prior to the construction of that structure but only after a permit for the principal structure has been issued.

10-3.2 Signs Prohibited

No sign, except as expressly authorized by this Chapter, Chapter 13, Signs, or Chapter 17, Conditional Uses, shall be maintained in connection with an accessory use or structure.

10-3.3 Location

- A. No accessory use or structure shall be located in a front or side yard and the total combined area of all accessory structures associated with the principal structure on a lot shall not occupy more than thirty-five (35%) percent of the required area of a rear yard.
- B. Where the principal structure is at least two-hundred (200) feet from the right-of-way, an accessory structure may then be located within the front or side yard but must be at least one hundred (100) feet from the right-of-way, and all district other applicable setback requirements shall be maintained. In the case of panhandle lots, the area of the panhandle cannot be used for calculating the lot area or be counted towards setback from the right-of-way line or edge of easement.
- C. All accessory structures must be setback at least six (6) feet from all other structures and at least three (3) feet from all other property lines.

10-3.4 Decorative or Temporary Features in Front and Side Yards

- A. Ornamental landscape structures such as fountains, ponds, and other decorative features do not require Zoning Certificate approval and shall not occupy more than thirty (30) percent of the front or side yard area and shall not exceed five (5) feet in height.
- B. Temporary structures or features related to holiday decorations do not require Zoning Certificate approval and shall not occupy more than thirty (30) percent of the front or side yard area. Temporary structures or features related to holiday decorations shall not exceed thirty (30) days of erection and shall not exceed five (5) feet in height.

10-3.5 Play Devices in Rear Yards

Swing sets, jungle gyms, trampolines, and other play or recreational devices excluding those accessory uses specified in Section 10-13, Active Recreation Areas shall be located in the rear yard and must maintain a minimum setback of three (3) feet from every property line.

10-4 HOME OCCUPATIONS

A home occupation shall be permitted in any zoning district as an accessory use to any permitted dwelling unit in accordance with the following standards.

10-4.1 General Standards

- A. Maximum Area. The home occupation shall be conducted completely within the enclosed living area of the dwelling unit or existing accessory structure, and shall not occupy more than twenty percent (20%) of the total floor area of the dwelling unit.
- B. Use of Accessory Structures. If the home occupation is conducted within an existing accessory structure, then that structure shall also serve as the garage or storage structure for the residents of the dwelling unit.
- C. Outside Appearance. There shall be no change in the outside appearance of the dwelling unit or accessory structure, or other visible evidence of the home occupation other than one (1) sign not exceeding two (2) square feet in area, non-illuminated which shall be mounted flat against the wall of the structure.
- D. Commodity and Stock Prohibited. No commodity or stock in trade shall be sold, displayed or stored outside or inside the premises.

- E. Nuisance Prohibited. The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, causes fluctuation in line voltage, vibration, heat, glare or other nuisances outside the dwelling unit or accessory structure in which it is located.
- F. Employees Prohibited. No persons shall be employed other than members of the immediate family residing on the premises.
- G. Additional Traffic Generation Prohibited. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- H. Essential Residential Character. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Resolution, but such permission is not intended to allow the essential residential character of residential districts, in terms of use and appearance to be changed by the occurrence of non-residential activities.

10-4.2 Uses Prohibited as Home Occupations

Home occupations shall not, under any circumstance, be deemed to include the following activities nor any other activities similar in kind or intensity of use: nursing homes; funeral homes, mortuaries and embalming establishments; restaurants; bed and breakfast establishments; clinics, hospitals or the general practice of medicine or dentistry; clubs, including fraternities and sororities; ~~instruction of persons;~~ day care centers or Type A Day Care Home; retail or wholesale business; warehousing; beauty shop; barbershop; tailoring shops; shoe or hat repair; drop-off or pick-up station; and on premise ~~consultation,~~ sales or transaction.

10-5 DUMPSTERS, RECYCLING CONTAINERS, DONATION BOXES AND TRASH HANDLING AREAS FOR MULTI-FAMILY, OFFICE, COMMERCIAL AND INDUSTRIAL DISTRICTS

The following requirements shall apply to all dumpsters, recycling containers, donation boxes and trash handling areas, and related service entrances:

10-5.1 Setbacks

Dumpsters, recycling containers, donation boxes and trash handling areas and related screening, shall be located in compliance with the same minimum setbacks as a main building as determined by the zone district in which such structure is constructed.

10-5.2 Location of Screen

Any such accessory use or structure shall be screened from the view from public streets and any abutting properties located in a residential, office, or commercial district on three sides by a wall or opaque fence. The screen should be of a similar color to the principal building.

10-5.3 Height and Construction of Screen

Any fence or wall required under this Section shall have a height no greater than seven (7) feet and no less than five (5) feet. Any wall or fence shall be constructed in a durable fashion of brick, stone, or other approved masonry materials ~~or by a durable and weatherproof wood fence~~. The access entrance shall be constructed in a durable fashion of wood posts and/or planks with minimum diameter or width of three (3) inches ~~and~~ with no greater than twenty-five percent (25%) of the fence surface left open between posts and/or planks.

10-5.4 Pick Up Times

Dumpsters, recycling and related trash handling areas shall be restricted to pick up times between 7:00 AM and 9:00 PM.

10-5.5 Maintenance

All containers and boxes identified in this section shall:

- A. Be maintained in good condition and appearance with no structural damage, holes or visible rust.
- B. Be locked or otherwise secured to prevent removal of items.
- C. Contain visible contact information including contact information of the operator.
- D. Be serviced and emptied as needed with no materials, goods or garbage stored or left outside of the container.

10-6 SATELLITE DISH ANTENNAS

A satellite dish antenna, as defined in Chapter 2, Definitions, restricted to the sole purpose of receiving and amplifying microwave signals for television reception shall be permitted in all Districts subject to the following conditions and restrictions:

10-6.1 Applicability

The following categories of satellite dish antennas shall be exempt from all zoning requirements and shall not require a zoning certificate:

- A. A satellite dish antenna that is two meters (78.74 inches) or less in diameter and located or proposed to be located in a commercial or industrial zoning district.
- B. A satellite dish antenna (ground-mounted) antenna that is one meter (39.37 inches) or less in diameter and located in any zoning district.
- C. A satellite dish antenna that is 36" or less in diameter and is attached to the wall or roof of the main building in any district.

10-6.12 Site Plan

A plan for a wall or roof mounted satellite dish or a ground mounted satellite dish antenna that is not exempted under Section 10-6.1, Applicability, shall be submitted to the Administrative Official indicating the proposed height, diameter, location, setbacks. Foundation details, landscaping, and screening shall also be required in the case of a ground mounted satellite dish antenna.

10-6.23 Standards

- A. Wall or Roof Mounted. Approval of a wall or roof mounted satellite antenna, over 36 inches in diameter and attached to the main building shall be subject to the following standards.
 - 1. Location. In all zone Districts wall or roof mounted satellite dish antennas shall be prohibited on the front elevation of the building.
 - 2. Setbacks. In all zone Districts wall or roof mounted satellite dish antennas shall not be permitted to project into any required side or rear yard area.
- B. Ground Mounted. Approval of a ground mounted satellite dish antenna shall be subject to the following standards:
 - 1. Location.
 - a. In the AA, A, A-2, A-3.5, B, B-2, and C Districts satellite dish antennas shall be located in the rear of the property beyond the rear building line.

- b. In all other zone Districts, ground mounted satellite dish antennas shall also be permitted in the interior side yard.
2. Setbacks. Ground mounted satellite dish antennas shall provide the following minimum setbacks:
 - a. Rear Yard and Side Yard. In all zone Districts, fifteen (15) feet.
 - b. Front Yard. In no case shall a ground mounted satellite dish antenna be located closer to the front or side street of a lot or building site than the main or principal building unless otherwise authorized by Section 10-3.3, Use Limitations.
 - c. Setback from Power Lines. Satellite dish antennas or any appurtenances thereto, shall be located at least eight (8) feet from any power line over two hundred-fifty (250) volts.
3. Landscaping. The base and mounting pole of ground-mounted antennas shall be screened from ground view from the street and adjacent property owners by landscaping as shall be approved by the Administrative Official. In order to reduce the height of the required plant material, berms may be employed in conjunction with the landscaping plan.
4. Diameter. The diameter of such antenna shall not exceed the following:
 - a. In the A-A, A, A-2, A-3.5, B, B-2, and C Districts, ten (10) feet.
 - b. In the all other Districts, twelve (12) feet.
5. Height. Ground-mounted antennas shall be limited to a maximum height of twelve (12) feet above grade in the A-A, A, A-2, A-3.5, B, B-2, and C Districts, and a maximum height of fifteen (15) feet above grade in all other Districts.
6. Ground Coverage. The ground coverage of satellite dish antennas shall be counted in computing the ground coverage for accessory use structures located upon the building site.
7. Number Permitted. Only one (1) satellite dish antenna shall be allowed for each principal building.
8. Installation. The installation or modification of a satellite dish antenna shall be in accordance with all applicable construction and safety codes and procedures and shall meet the requirements of the Hamilton County Building Code.
9. Maintenance. Satellite dish antennas, appurtenances, landscaping, and screening shall be kept and maintained in good condition. If the dish is no longer used, the dish and mounting equipment shall be removed.

10-7 FENCES AND WALLS

The restrictions set forth below shall apply to all fences and walls located in all districts, except for fences and walls surrounding public utility structures or radio, television, or microwave transmission or relay towers. Also see Section 14-6, General Standards for Buffer Yards and Section 15-2.2, Standards for Use of Walls, Fences or Berms, for additional fence and wall standards.

10-7.1 *Height and Open Face Area in Front and Side Yard*

A. Fences permitted in the defined front yard shall not: No fence or wall shall be located in any defined front yard.

1. Be constructed of chain link.

2. Be constructed of cattle fencing or chicken wire, except only as used as a secondary backing to the primary fence and only when vinyl coated (e.g. split rail fence backed with a brown vinyl coated cattle fencing).
3. Be built to a height greater than four (4) feet above grade and shall have an open face area of no less than seventy-five (75) percent.

A.B. A fence located in the defined side yard shall not:

1. Be built to a height greater than three (3) feet above grade and shall have an open face area of no less than fifty (50) percent; or
2. When constructed to a height of not more than four (4) feet above grade, shall have an open face area of no less than seventy-five (75) percent.

Fences and walls as provided for in Sections 10-5.3, Dumpsters and Trash Handling Areas for Commercial Districts and 10-7.4, Fences and Walls shall be exempt from these height and openness requirements.

10-7.2 Height in Rear Yard

No fence or wall located in the rear yard shall be built to a height greater than six (6) feet above grade. Fences and walls as provided in Sections 10-5.3, Dumpsters and Trash Handling Areas for Commercial Districts and 10-7.4, Fences and Walls, shall be exempt from these height requirements. Such fences or walls may be solid in construction.

10-7.3 Entrance Walls in Front Yard

An entrance wall or one set of entrance walls that identify a subdivision, constructed on opposite sides of the entrance street or drive, shall be allowed in a front yard in accordance with the following requirements:

- A. It is part of a single-family development containing at least ten (10) dwelling units or a multi-family, commercial or industrial development having a minimum of 500 ft. of lot frontage.
- B. It is constructed at a maximum height of six (6) feet above grade and does not extend into the sight distance triangle (See Figure 14-4, Clear Sight Triangle).
- C. Signage on such entrance wall shall be subject to size and illumination standards contained in Chapter 13, Signs.

10-7.4 Retaining Walls

Retaining walls in a residential district shall be setback from the residential property line a minimum of two (2) foot for every foot of height.

10-7.5 Electric Fences

Electric fences are prohibited, unless the lot of record is more than five (5) acres and the fence is being used for agricultural purposes or is located entirely underground.

10-8 DAY CARE CENTERS AS AN ACCESSORY TO NON-RESIDENTIAL USE

A day care center receiving state certification pursuant to the Ohio Revised Code shall be permitted as accessory to any non-residential use in accordance with the following requirements:

10-8.1 Area of Outdoor Play Space

At least one-hundred (100) square feet of outdoor play space per child shall be provided on the lot, exclusive of driveways, off-street parking and service areas, and required yards.

10-8.2 Location and Enclosure of Outdoor Play Space

All outdoor play space shall be located in the rear yard and fenced or otherwise enclosed on all sides to a height of no less than three (3) feet and no greater than six (6) feet.

10-8.3 Parking Standards

Parking standards for accessory uses shall be in addition to, and calculated the same as, permitted uses as specified in Chapter 12, Off-Street Parking Areas and Loading.

10-8.4 Ownership

The accessory day care center shall be owned and operated by the owner of the principal use.

10-9 DRIVE-IN OR DRIVE-THROUGH SERVICE WINDOWS

A drive-in service window, ATM (automatic teller machine), photo drop off, pharmacy, restaurant or other similar type drive-in/drive-through facility shall be permitted only as an accessory use in the “O” Office and “E” Retail Districts ~~(except as provided in Section 1-7)~~, in accordance with the following requirements:

10-9.1 Principal Use

The principal use shall be a retail establishment, office, or restaurant located on the same lot.

10-9.2 Setbacks

Any freestanding drive-in or drive-through service window shall be located in compliance with the same minimum setbacks as a main building as determined by the zone district in which such structure is constructed.

10-9.3 Circulation and Stacking Space

The amount of stacking space and circulation patterns on the lot shall:

- A. Be at least five (5) spaces per window lane, calculated from the ~~first customer contact point~~ menu board/order point, and shall be adequate to keep traffic from backing up into the street.
- B. Shall be situated in such a manner to prevent vehicles from blocking drive aisles or parking spaces.

10-9.4 Parking Standards

Parking standards for accessory uses shall be in addition to, and calculated the same as, permitted uses as specified in Chapter 12, Off-Street Parking Areas and Loading.

10-10 AUTOMOBILE RENTAL

Automobile rental shall be permitted as an accessory use only where the principal use is ~~an airport~~, retail automobile dealership, tool rental or ~~hotel or motel~~ motor vehicle repair shop. ~~Where the principal use is a hotel or motel, automobile rental shall be permitted as an accessory use only in accordance with the following requirements:~~

~~10-10.1 — Signs~~

~~No sign advertising the rental of automobiles shall be located outside the hotel or motel building; and~~

~~10-10.2 — Parking~~

~~No more than ten (10) automobiles that are not currently leased to customers shall be parked on the same property as the hotel or motel.~~

~~10-10.3 — Parking Standards~~

~~Parking standards for accessory uses shall be in addition to, and calculated the same as, permitted uses as specified in Chapter 12, Off-Street Parking Areas and Loading.~~

10-11 HELIPORTS

A heliport shall be permitted as an accessory use only in any non-residential district provided it complies with all applicable Federal Aviation Administration regulations and guidelines.

10-12 DETACHED GARAGE, STORAGE STRUCTURES AND OTHER DETACHED STRUCTURES

Detached private garages, storage barns, and other detached structures shall be permitted as an accessory use in all Residential Districts or any district with permitted residential uses, in accordance with the following requirements:

10-12.1 Area and Height

No more than 1,032 square feet in area and ~~12-516~~ feet in height measured to the ~~top mean height level between eaves and ridge for gable, hip and gambrel of any roofs~~ (See Chapter 2, Building, Height of).

10-12.2 Setback

No detached structure shall be closer than three (3) feet from any property line.

10-12.3 Location

No detached structure shall be located in the front or side yard except as otherwise stipulated in Sections 10-3.1, Principal Structure Permit Required and Section 10-3.3, Location (Use Limitations).

10-13 ACTIVE RECREATION AREAS

Swimming pools, ~~hot tubs and spas~~ (measured from the edge of water), ~~hot tubs and spas~~, tennis courts and independent basketball courts and similar active recreation areas shall be permitted as an accessory use in all Residential Districts or any district with permitted residential uses provided they are located behind the rear line of the principal structure and at least ten (10) feet from all property lines. Fixed lighting for these uses shall be located, screened, or fully shielded so that any adjacent residential lots are not directly illuminated.

10-14 PRE-SCHOOL AND ELEMENTARY SCHOOLS**10-14.1 Building Location**

All buildings shall be setback from any property line the minimum distance that is required in the district in which it is located. An additional two (2) feet shall be added to the setback requirement for each foot of building height which exceeds the maximum height permitted (not to exceed 45 feet in height).

10-14.2 Building Type

All accessory structures shall be designed to reflect the main building. The use of temporary, portable or modular structures shall be prohibited.

10-14.3 Area of Outdoor Play Space

At least one hundred (100) square feet of outdoor play space per child shall be provided on the lot, exclusive of driveways, off-street parking and service areas and required yards.

10-14.4 Location and Enclosure of Outdoor Play Space

All outdoor play space shall be located in the rear yard and fenced or otherwise enclosed on all sides to a height of no less than three (3) feet and no greater than six (6) feet.

10-15 FESTIVALS AND ANY OTHER FUNDRAISERS**10-15.1 Festivals, Bingo or any other Fund Raising Activity**

All fund raising activities shall follow the regulations set forth in Chapter 11, Temporary Uses.

10-15.2 Temporary Tents used at Festival and other Fundraiser Activities

All temporary tents used at festivals or other Fundraisers shall be regulated by Chapter 11 Temporary Uses, specifically Section 11-4.7, Tents.

10-15.3 Temporary Signs

All temporary signs shall follow the regulations in Chapter 13, Signs.

10-16 OUTDOOR DINING

Any district where outdoor areas for eating or drinking establishments are permitted, they must conform to the following as a minimum:

- A. Location. Any outdoor area located within one-hundred (100) feet of a residential district requires conditional use approval (see Chapter 17, Conditional Uses).
- B. Maximum Size. Within 500 feet of a residential district, the outdoor area may not exceed fifty percent (50%) of the indoor area accessible to the public. Additional area requires conditional use approval (see Chapter 17, Conditional Uses).
- C. Barriers. Decorative walls or fencing must enclose an outdoor area, even within the front and side yard, as applicable.

- D. Fixtures. Furniture and fixtures provided for use in an outdoor area may consist only of movable tables, chairs, umbrellas, planters, lights and heaters. Lighting fixtures may be permanently affixed onto the exterior of the building. All movable furniture and fixtures must be removed during the off-season.
- E. Hours of Operation. Within one-hundred (100) feet of a residential district, the use of outdoor areas is prohibited between Midnight and 7 AM on Friday and Saturday and 10 PM and 7 AM on all other days, unless a conditional use is approved (see Chapter 17, Conditional Uses). In all other locations, the use of outdoor areas is prohibited after 2 AM.

10-17 VENDING MACHINES

- A. Outdoor vending machines shall be accessory only to schools, athletic facilities, parks and retail uses.
- B. Vending machines must be maintained in good operating condition and be free from rust and adornments such as graffiti, stickers and posters.
- C. When located at schools, athletic facilities and parks, outdoor vending machines shall be in an enclosed structure or screened with an opaque fence or landscaping to prevent viewing from any public right-of-way.
- D. For retail uses, outdoor vending machines are allowed only for:
 - 1. Single occupant buildings with more than 4,000 square feet of gross floor area.
 - 2. Individual tenants in a multi-tenant building that have at least thirty (30) lineal feet of storefront.
- E. Vending machines may not be located:
 - 1. Within any required setback, landscaping or buffer yard.
 - 2. So as to obstruct or interfere with pedestrian travel.
 - 3. Within five (5) feet from a crosswalk, display window, building entrance, fire hydrant or other emergency facility.
 - 4. With more than three machines at any location.
 - 5. Closer than 100 feet to another group of vending machines.
 - 6. Within the public right-of-way.

10-18 AUTOMATIC TELLER MACHINE (ATM)

The specifications for the ATM shall achieve the public interest in safe movement of pedestrian and vehicular traffic, visibility, convenience, identification, community character and proper integration with the surrounding area through acceptable compliance with the following standards:

- A. Size
A freestanding ATM will not exceed maximum 8 ft. length, 3 ft. width, 8 ft. height.
- B. Location
The location of such drive-in and/or walk-up ATM will not interfere with the circulation of pedestrian or vehicular traffic on the surrounding parking lot or the adjoining streets, alleys, or sidewalks.
- C. Signage
Signage on the ATM will not exceed maximum 15% of surface area of the structure and shall only include the name & logo of the banking institution and/or ATM Network that it serves.
- D. Lighting
The ATM location will utilize existing lighting plan, and supplemented only with self-contained operational/security lighting.

E. Stacking & Circulation

The ATM will provide a minimum of four stacking spaces and shall be designed to not prohibit use of any required parking.

F. Number of Stations

The number of ATM units will not exceed a maximum of one per Planned District.

G. Parking

The ATM location will maintain parking requirements for the existing district.

10-19 OUTDOOR LIGHTING

A. Height Range by Activity Level⁷

Low: 10 ft. to 16 ft. Medium: 10 ft. to 24 ft. High: 10 ft. to 32 ft.
(also should not exceed permitted building height)

B. Average Illuminance by Activity Level⁸

Low: 1.0 footcandle Medium: 2.0 footcandle High: 3.0 footcandle

C. Maximum Illumination (footcandles) by Activity Level⁸

Low: 5.0 footcandle Medium: 10.0 footcandle High: 15.0 footcandle

D. Uniformity of Illumination (maximum/minimum footcandle ratio)

The maximum/minimum footcandle ratio shall not exceed 15:1

E. Illumination of Access Drive

The illumination of any access drive shall not exceed the average footcandles maintained at adjacent public road

F. Color Rendition

Metal Halide or Quartz Incandescent Luminaires should be used where color quality may affect the public interest.

- (1) High Pressure Sodium Luminaries should only be used where cost and energy efficiency are essential and color quality will not adversely affect the public interest.
- (2) Mercury Vapor and Low Pressure Sodium Luminaries are unacceptable if within public view.

G. Glare Control

- (1) All outdoor lighting for non-residential uses should be located, screened, or shielded so adjacent lots in residential districts are not directly illuminated.
- (2) No outdoor lighting should be of such an intensity or brilliance as to cause glare or to impair the vision of drivers, pedestrians, employees or neighbors.
- (3) Perimeter lighting should be a cut-off (“shoe box” type) fixture that results in not more than .5 footcandle at adjacent residential property lines.

⁷ *Examples of Activity Levels for Open Parking Facilities

High: Regional shopping centers, motorist services at expressway interchanges, major league athletic facilities, major cultural or civic facilities, airports

Medium: Community shopping centers, multi-family dwellings, office parks, hospitals, commuter lots, community facilities (cultural, civic, recreational)

Low: Neighborhood shopping centers, educational facilities, churches, local commercial and industrial uses.

10-20 CONTINUOUS OUTSIDE STORAGE OF MERCHANDISE AT SELF-SERVICE GASOLINE/CONVENIENCE STORE FACILITIES

The specifications for outside storage should achieve the public interest in safe movement of pedestrian and vehicular traffic, visibility, convenience identification, community character and proper integration with the surrounding area through acceptable compliance with the following standards:

A. Location

- (1) Outside storage should comply with all required building setbacks.
- (2) No outside storage should be permitted directly in front of the building (i.e., pedestrian or vehicular access
- ~~(3) Outside storage areas should only be permitted at each end of each pump island; areas between pumps should be retained for customer circulation.~~
- ~~(4) Remove locations should be permitted when in compliance with item A above, and when effectively screened and landscaped.~~
- ~~(5)~~(3) Outside storage should be located so that the dispensing area is at all times in clear view of the attendant and so such storage does not create any obstacle between the dispensing area and the attendant control area.

B. Size

- (1) ~~The total amount of~~ outside storage should be limited to a maximum of ten (10) percent of the building interior sales floor area measured in square feet.
- ~~(2) A maximum of ten (10) sq. ft. should be permitted at the end of each pump island and no higher than the pump nozzle receptacle.~~
- ~~(3)~~(2) No single outside storage area should contain more than fifty (50) percent of the square footage allowable.

C. Advertising

- (1) Advertising of merchandise located in outside storage areas should be contained within the cubic area of the allowable outside storage space.
- (2) Vehicles should not be part of the outside storage display nor be part of the advertising associated with such display of merchandise.

10-21 SEASONAL OUTSIDE STORAGE OF MERCHANDISE

The specifications for outside storage should achieve the public interest in safe movement of pedestrian and vehicular traffic, visibility, convenience, identification, community character and proper integration with the surrounding area through acceptable compliance with the following standards:

A. Duration

- (1) The Final Development Plan should specify that a zoning certificate for a temporary use is required prior to each seasonal merchandise display. Dates of initiation and termination of the temporary use should be specified on the Final Development Plan.

B. Parking

- (1) The parking lot for the principal use (excluding any spaces to be used for outside display area) should provide one parking space for each 20 square feet of outside display area in addition to complying with minimal parking requirements for the principal use.

- (2) Parking spaces should not be utilized as display areas if the parking spaces are necessary to comply with the minimum parking requirements for indoor or outdoor retail areas.
- (3) Outdoor merchandise areas in retail centers should not encroach into the required parking spaces provided for either the principal or adjacent retail uses in the common parking lot.

C. Location

- (1) Outside merchandise area locations should comply with all required building setbacks. Therefore, no outside storage should be closer than fifty (50) feet to any street line or closer than thirty-five (35) feet to any other boundary line of the tract that abuts a more restricted district.
- (2) No outside storage should be permitted directly in front of the building (i.e., pedestrian or vehicular access areas).
- (3) Location of outdoor merchandise area in the parking lot area should not impede safe pedestrian or traffic circulation.

D. Advertising

- (1) Temporary signs should be contained within the permitted display area and should not exceed the height of the displayed merchandise.
- (2) Advertising of merchandise should not be displayed on vehicles.

10-22 PROHIBITION ON MEDICAL MARIJUANA CULTIVATORS, PROCESSORS AND RETAIL DISPENSORY ESTABLISHMENTS

- A. The cultivation, processing, or retail dispensing of medical marijuana, even under a license issued under Chapter 3796 of the Ohio Revised Code, is prohibited within unincorporated territory of Sycamore Township.
- B. This Section shall not apply to the in-patient dispensing of medical marijuana by a licensed hospital.

10-23 FOOD TRUCKS

Food Trucks may only be located on a lot with a principally permitted use on the same zoning lot, and are conditionally permitted in an O Office, E Retail or F Industrial zoning district or OO, EE or FF plan district or Special Public Interest (SPI) Suburban Center or Suburban Corridor Districts provided the following conditions can be met:

- A. Food trucks may not conduct sales when parked on a public street unless approved for a Township sponsored event.
- B. A food truck operator must have written permission by the property owner to conduct business. Such permission shall identify the dates and times of operation.
- C. Unless otherwise specified or permitted by the Township, food truck hours shall only be between the hours of 10pm and close of business by the primary use of the lot on which the food truck is operating.
- D. The food truck must be licensed by the Hamilton County Health Department and have a valid business license for food truck operations.
- E. A minimum one-half acre lot is required.
 - 1. A maximum of 2 food trucks on lots a one-half acre to one acre in size.
 - 2. A maximum of 4 food trucks on lots greater than one acre.
- F. Temporary outdoor seating is only permitted upon review and approval of the Zoning Administrator.
- G. Food trucks shall not block any ingress/egress or vehicular circulation in a parking lot, loading/unloading area or building entrance.
- H. Food trucks shall not block any fire hydrant or fire lane.
- I. Food truck operations shall be located a minimum of 100 feet from a residential dwelling.

- J. No audio speakers or on-site/off-site freestanding signage shall be permitted other than what is displayed on the food truck.
- K. Grease, liquid waste and garbage shall not be disposed of on-site.
- A.L. Food trucks shall be subject to the all other applicable Township and County Ordinances related to food operation.

CHAPTER 11 – TEMPORARY USES AND STRUCTURES

11-1 AUTHORIZATION

Temporary uses as defined in Chapter 2, Definitions, and as hereinafter specified are permitted in accordance with the provisions set forth in this Chapter.

11-2 ZONING CERTIFICATE REQUIRED; SPECIAL STANDARDS FOR ISSUANCE AND REVOCATION

11-2.1 *Certificate Required*

Except as provided in Section 11-4.1, House, Apartment, Garage and Yard Sales, no temporary use or structure shall be established or maintained unless a Zoning Certificate evidencing the compliance of such use with the provisions of this Resolution shall have first been issued in accordance with the provisions of Chapter 20, Zoning Certificates, General Application Procedures and Fees.

11-2.2 *Revocation*

Any violation of the standards applicable to the approved temporary use will result in the revocation of the issued Zoning Certificate without refund of any associated fees.

11-3 USE LIMITATIONS

11-3.1 *General Limitations*

Every temporary use shall comply with the use limitations applicable in the district in which it is located as well as with the limitations made applicable to specified temporary uses by Section 11-4, Permitted Temporary Uses. No temporary use shall be permitted if it will have significant negative impact on any adjacent property or on the area as a whole as determined by the Administrative Official.

11-3.2 *Hours and Days of Operation*

No temporary use shall be operated during any hours or on any days of the week except as designated by the Administrative Official, in the Zoning Certificate required by Section 11-2, Zoning Certificate Required; Special Standards for Issuance and Revocation. This determination shall be based on the nature of the temporary use and the character of the surrounding area.

11-3.3 *Traffic*

No temporary use shall be permitted if the Administrative Official, upon review of the application, finds that additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects of surrounding streets and uses which cannot be adequately mitigated by the applicant.

11-3.4 *Conflicts with Other Temporary Uses*

No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.

11-3.5 *Sign Limitations*

Signs shall be in accordance with regulations contained in Chapter 13, Signs.

11-3.6 Parking

Before approving any temporary use, the Administrative Official shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use. This shall be done on the basis of the particular use, its intensity, and the availability of other parking facilities in the area. The Administrative Official shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Administrative Official, unreasonably reduce the amount of off-street parking spaces available for permanent uses located on the zoning lot in question.

11-3.7 Additional Conditions

Every temporary use shall comply with any other conditions as the Administrative Official may reasonably impose to achieve the purposes of this Resolution or to protect the public health, safety, and welfare.

11-4 PERMITTED TEMPORARY USES

Subject to the specific regulations and time limits that follow, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses, and no others, are permitted in the Zoning Districts as specified below:

11-4.1 House, Apartment, Garage and Yard Sales

House, apartment, garage, and yard sales are permitted in any Residential District, but only when limited to the personal possessions of the owner-occupant of the dwelling unit at which such sale is being conducted. Such use shall be limited to a period not to exceed three (3) consecutive days and no more than three (3) such sales shall be conducted from the same residence in any twelve (12) month period. No Zoning Certificate shall be required for such use.

11-4.2 Outdoor Art, Craft and Plant Shows, Exhibits and Sales

Outdoor art, craft and plant shows are permitted in any Office, Retail Business and Light Industrial Districts; provided, however, that any such use shall require the prior approval of the Administrative Official on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Every such sale shall be limited to a period not to exceed three (3) days.

11-4.3 Christmas Tree Sales

Christmas tree sales are permitted in any Office, Retail Business or Light Industrial Districts and, when conducted by a not-for-profit religious, philanthropic or civic group or organization on property owned or leased by such group or organization, in any Residential district. Such use shall be limited to a period not to exceed fifty (50) days. Display of Christmas trees need not comply with the yard requirements of this Resolution, except that no tree shall be displayed so as to obstruct the sight triangles defined in Section 14-9, Clear Sight Distances. The use of loudspeakers and unshielded lights are not permitted.

11-4.4 Contractor's Offices and Equipment Sheds

Contractor's offices and equipment sheds are permitted in any district when accessory to a construction project, with a required permit. No such use shall contain any sleeping accommodations. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project.

11-4.5 Model Units, Including Real Estate Offices

Model units including Real Estate offices, are permitted in any district when an accessory use to a new development. No such use shall contain any sleeping accommodations unless located in a model dwelling unit. Such use shall be limited to the period of the active selling or leasing of units or space in such development and to activities related to the development in which such office is located. No such office shall be used as the general office or headquarters of any firm.

11-4.6 Festivals and Circuses

Festivals and circuses are permitted in any district when sponsored by a not-for-profit religious, philanthropic or civic group or organization on property owned or leased by such group or organization. Commercial festivals and circuses ~~are may be~~ permitted in any Residential, Office, Retail Business or Light Industrial District; provided, however, that any such use shall require the specific prior approval of the Administrative Official on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed ten (10) days.

Such use need not comply with the yard requirements of this Resolution except that structures or equipment that might block the view of operators of motor vehicles on any public or private street and shall not be located within the sight triangle defined in Chapter 14, Buffer Yards and Resource Protection. Such use need not comply with the maximum height requirements of this Resolution. The concessionaire responsible for the operation of any such carnival or circus shall submit in advance of the event date a site layout displaying adequate ingress and egress routes for emergency vehicles and no dead-end aisles.

In the event that a temporary use does not require the approval of the Hamilton County Building Department, the applicant or concessionaire shall provide written approval of the Sycamore Township Fire Department.

11-4.7 Tents

Tents are permitted in all districts in connection with any permitted, accessory or temporary use. No tent shall be allowed to remain for a period of more than five (5) days longer than the use with which it is associated or, in the absence of any such period, ten (10) days. Unless waived in writing by the Administrative Official, every tent shall comply with the bulk and yard requirements of the district in which it is located. Tents are permitted to be erected in front and side yards for temporary uses only.

11-4.8 Portable Storage Containers

Residential and Commercial use properties are permitted one (1) portable storage container not to exceed ~~fourteen (14)~~twenty-one (21) consecutive days per calendar year. A temporary/accessory use zoning certificate is required before the container is placed on-site.

The container must:

- A. Be situated on a paved surface and be setback a minimum of ten (10) feet from the right-of-way, easement of access, or edge of pavement, whichever is greater.
- B. Be used only to provide “temporary” storage for moving and similar short-term purposes.
- C. Not be used as a permanent accessory storage structure, regardless of the proposed location of the unit.

- D. Not be connected to any electric or plumbing service.
- E. Be fully locked and secured to prevent unauthorized entry.

11-5 BULK AND YARD REGULATIONS

Except as expressly provided otherwise in Section 11-3 ~~above~~, Use Limitations, every temporary use shall comply with the bulk and yard requirements of the district in which such temporary use is located.

CHAPTER 12 – OFF-STREET PARKING AREAS AND LOADING

12-1 PURPOSE

The purpose of this Chapter is to prevent or alleviate the congestion of the public street, to minimize any detrimental effects of off-street parking areas on adjacent properties, to enhance off-street parking areas with landscape elements for improved traffic circulation and visual amenities and to promote the safety and welfare of the public. To accomplish this purpose minimum requirements are established, while more landscaping may be included depending on site specific conditions.

12-2 APPLICABILITY

12-2.1 *New and Expanded Uses*

- A. The off-street parking and loading requirements of this Chapter shall apply to any application for a permit for the erection of a new building.
- B. For an alteration, addition or change of use of an existing building; or for an alteration, development or change of land use that requires more parking; or for changes of the capacity of an existing parking area or parking structure, the off-street parking and loading requirements of this Chapter shall apply only to the area of the alteration, addition or change of use
- C. All off-street parking areas must be paved in either concrete or asphalt and parking stalls shall be striped. Alternative materials may be used if approved by the Planning and Zoning Commission.

12-2.2 *Existing Uses*

The off-street parking and loading requirements of this Chapter shall not apply to buildings and land uses legally in existence on the effective date of amendment of this Resolution unless modified in the manner stated in Section 12-2.1, New and Expanded Uses, and further provided that any parking or loading facilities now serving such buildings or uses shall not, in the future, be reduced below these requirements.

12-2.3 *Maintenance*

The duty to provide and maintain all such areas shall be the joint responsibilities of the owner, operator and lessee of the use for which off-street parking areas are required.

12-2.4 *Plan Review*

For any off-street parking area required under this Chapter, and for any other proposed parking area for five (5) or more vehicles, a plan shall be submitted with the application for a Zoning Certificate to the Administrative Official to review for compliance with these regulations and for any other applicable regulations. Any such parking plan shall show, with appropriately labeled dimensions:

- A. The number of parking spaces,
- B. The arrangement of parking aisles,
- C. The location of driveway entrances,
- D. Provisions for vehicular and pedestrian circulation,

- E. The location or typical location of sidewalks, wheel stops, lighting and curbs on or adjacent to the property,
- F. The location of utilities, barriers, shelters, and signs,
- G. The location of landscaped areas and the types and location of vegetation to be planted in them,
- H. Typical cross sections of pavement, stormwater drainage facilities, and any other relevant information requested by the Administrative Official.

12-3 NUMBER OF OFF-STREET PARKING SPACES

Except as otherwise provided in this Section, off-street parking spaces for each new principal use on a parcel shall be provided according to the units of measurement indicated for that use in Table 12-3, Schedule of Off-Street Parking Requirements, found at the end of this Chapter.

12-3.1 Computation of Required Spaces

The following provision shall govern the computation of the number of off-street parking spaces required.

- A. Fractions. When determination of the number of required parking spaces results in the requirement of a fractional space, any fractional ~~number $\frac{1}{2}$ or less shall be disregarded and any fraction over $\frac{1}{2}$~~ shall require one (1) additional parking space.
- B. Bench Seating Calculation. In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty inches (20") of such seating facilities shall be counted as one (1) seat for the purpose of determining the requirement for off-street parking facilities,
- C. Use of Maximum. When parking spaces are required on the basis of the number of faculty, staff, students or employees, the maximum number of occupants as determined by the ~~fire-building~~ code shall govern.
- D. Interpretation. For uses not expressly listed in Table 12-3, Schedule of Off-Street Parking Requirements, found at the end of this Chapter, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the Administrative Official and as adopted by the Sycamore Township Zoning Commission Policy for that specific use.

12-3.2 Spaces for the Handicapped

Parking spaces for handicapped users shall be provided in accordance with the provisions of the most recent edition of the Ohio Building Code.

12-3.3 Shared Parking

If approved by the Administrative Official:

- A. For any site where the hours of operation allow the shared use of parking spaces to occur without conflict, the number of parking spaces required may be reduced in compliance with this Section if determined appropriate.
- B. Parking requirements may be located on adjoining parcels if the parking requirements for the adjoining parcel(s) are met.

- C. The total number of required shared parking spaces shall be located within 300 feet from the uses they are intended to serve and shall be located in the same Zoning District as the use requiring shared parking.
- D. There shall be a recorded agreement from the Owner or between the Owners involved and all future owners or assigns which shall be submitted with the required plan.

12-4 DESIGN OF PARKING SPACES AND AISLES

Each required parking space shall meet the minimum dimensional requirements set out in Table 12-1, Parking Stall and Aisle Dimensions, and illustrated in Figures 12-1, Access Illustration and 12-2, Parking Stall and Aisle Layout.

12-4.1 Aisles

Each required parking space shall have direct and unrestricted access to an aisle of the minimum width set out in Table 12-1, Parking Stall and Aisle Dimensions, and illustrated in Figure 12-1, Parking Stall and Aisle Layout.

Table 12- 1 - Parking Stall and Aisle Dimensions

PARKING ANGLE	STALL WIDTH	LENGTH OF STALL	AISLE WIDTH		WIDTH OF ACCESS DRIVE	BAY WIDTH (CENTER TO CENTER WIDTH OF TWO ROW BAY WITH AISLE BETWEEN)	
			ONE WAY	TWO WAY		ONE WAY	TWO WAY
0°	9 ft.	23 ft.	12 ft.	18 ft.	20-24 ft.	24 ft.	30 ft.
30° - 53°	9 ft.	18 ft.	13 ft.	20 ft.	20-24 ft.	42 ft.	49 ft.
54° - 75°	9 ft.	19 ft.	18 ft.	22 ft.	20-24 ft.	52 ft.	56 ft.
76° - 90°	9 ft.	19 ft.	22 ft.	24 ft.	20-24 ft.	60 ft.	62 ft.

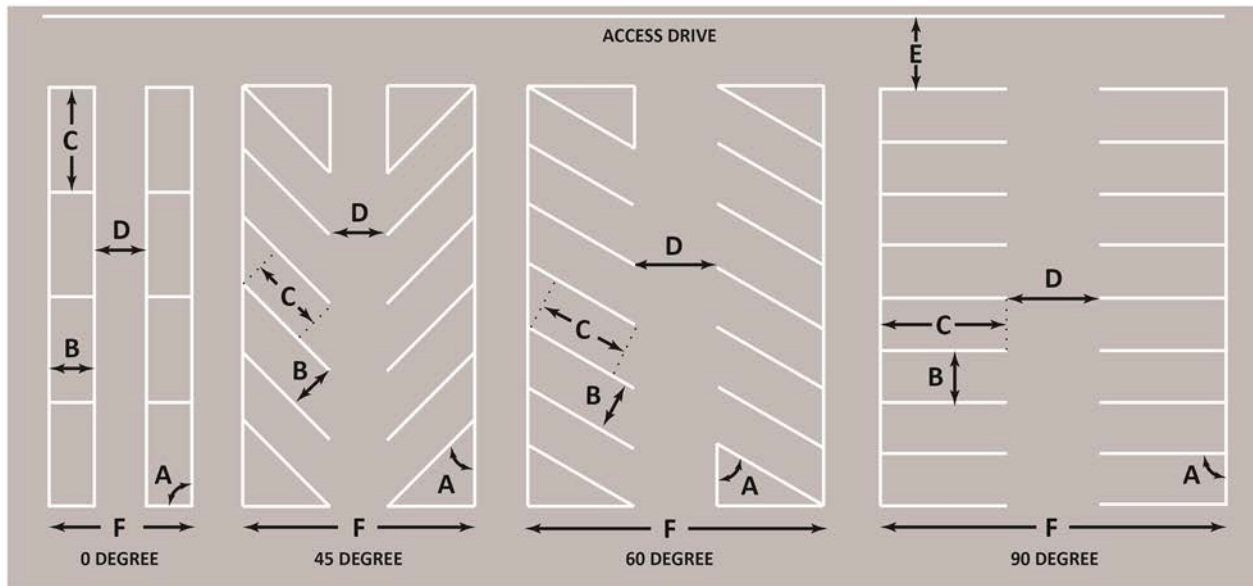


Figure 12- 1 - Parking Stall and Aisle Layout

12-4.2 Access

All parking spaces shall be entered and exited along parking aisles arranged perpendicular to access/entry drives wherever possible. Parking shall be restricted along the area defined as an “entry drive” entry drives within thirty (30) feet of the right-of-way or easement line (and at greater distances as may be required by the Sycamore Township Zoning Commission depending on the traffic generation and parking lot size) nor within eight (8) feet of the curb or pavement edge of such restricted entry drive area.

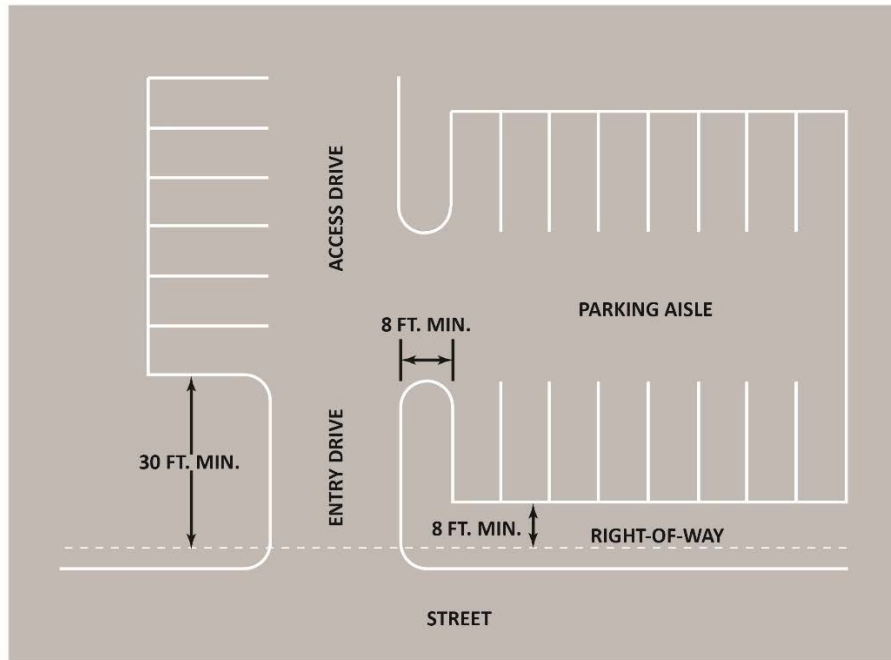


Figure 12- 2 - Access Illustration

12-4.3 Maneuverability Areas

In order to promote adequate maneuverability, the following provisions shall be followed:

- A. Turn-Around Area. Where more than ~~three-five~~ (35) parking spaces are served by a single driveway, a turn-around area shall be provided, or other provision shall be made, to permit cars to exit the parking lot or garage without backing onto any street or sidewalk.
- B. Back-Up Area. Each parking space shall be provided with a sufficient back-up area to permit egress in one maneuver, consisting of one backward and one forward movement.

12-4.4 Surface and Drainage

Every off-street parking lot and driveway shall be surfaced with permeable paving or an asphaltic or Portland cement binder pavement providing an all-weather, durable, and dustless surface. Individual stalls shall be graded to drain so as to dispose of all surface water within the parking area in accordance with the regulations of the Hamilton County Department of Public Works. No surface water from parking areas shall accumulate or drain over a public sidewalk. Interior landscaped areas may be used for surface drainage.

12-4.5 Lighting

Fixed lighting shall comply with the provisions contained in Section 12-7, Outdoor Lighting, and be so arranged to prevent direct glare of beams onto any public or private property or street.

12-4.6 Wheel Stops and Continuous Curbs

Wheel stops or continuous curbs shall be provided, located, and designed to protect required screening devices and landscaping and pedestrian ways from damage or encroachment of vehicles and to provide necessary traffic control in the parking area.

- A. Wheel Stops. Each wheel stop shall be a singular block of reinforced concrete, stone, or other durable material six (6) inches in height, six (6) inches in width, and eight (8) feet in length. Wheel stops shall be placed as shown in Figure 12-4B-3, Wheel Stop Placement, and securely attached to the ground and may be used only at the end of parking stalls.

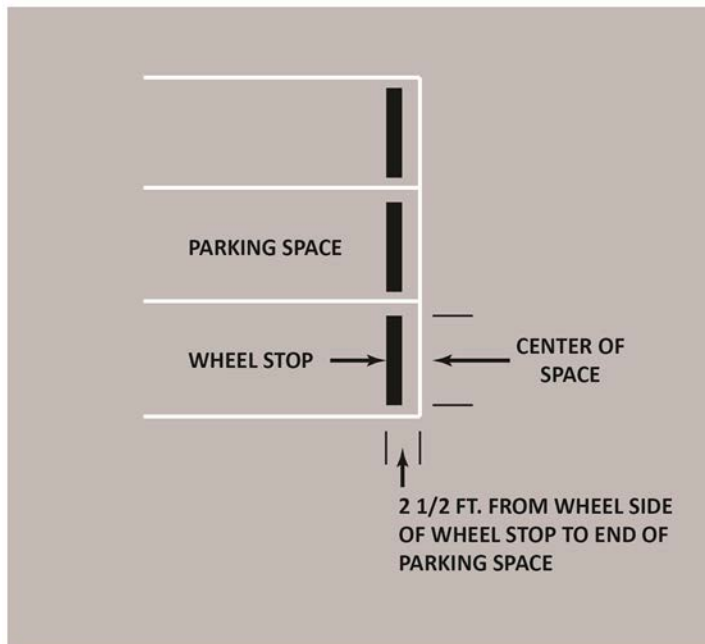


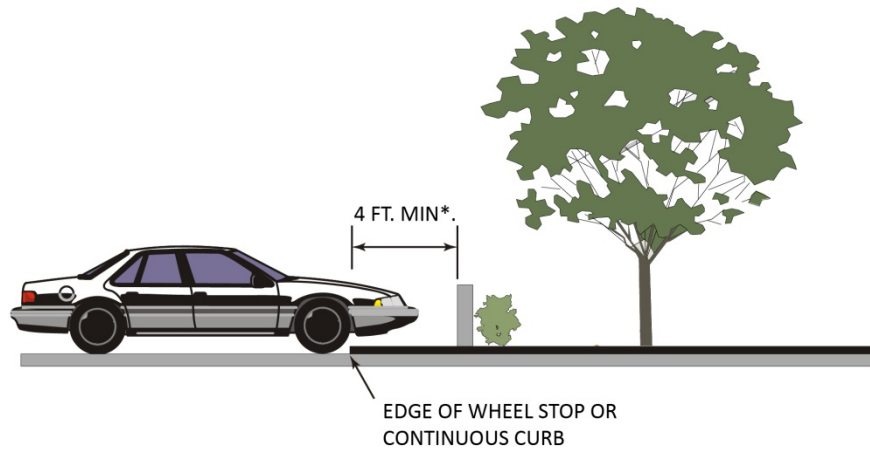
Figure 12- 3 - Wheel Stop Placement

- B. Continuous Curbs. Continuous curbs shall be made of asphalt, concrete, or stone, and shall be a minimum of six (6) inches in height and six (6) inches in width. They shall form a non-interrupted edge around all landscaped areas adjacent to parking and turn-around areas which are not protected by wheel stops.
- C. Placement. The wheel stop or continuous curb shall be located a minimum of four (4) feet from any structures, buildings, walls, or plant material, excluding groundcover (as shown in Figure 12-4, Structure and Planting Setback Requirements) to prevent a vehicle from driving onto the landscape area or hitting any structure or plant material at the edge of the parking area. The mature size of the plant material shall be specified to determine if the landscape meets the setback requirements.

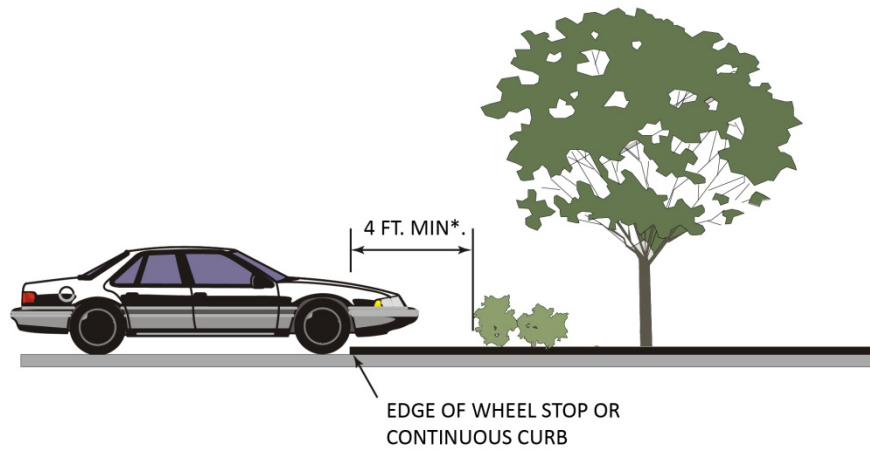
- D. **Stall Dimensions.** Where continuous curbs are used, the paved area of the parking stall length required in Table 12-1, Parking Stall and Aisle Dimensions, and illustrated in Figure 12-1, Parking Stall and Aisle Layout (Dimension 'C') may be reduced by two and one-half (2 ½) feet as shown in Figure 12-5, Pavement Area Adjustment with Continuous Curb, provided that the vehicle overhang will not encroach on pedestrian circulation or the required setback for desirable plant growth. Where wheel stops are used, the paved area of the parking stall length required in Table 12-1, Parking Stall and Aisle Dimensions and illustrated in Figure 12-1, Parking Stall and Aisle Layout (Dimension 'C') shall not be reduced.

12-4.7 Slope

No area of any parking lot, excluding entry drives, shall have a slope in excess of seven (7) percent. Entry drives or drives that connect parking areas shall not have a slope in excess of ten (10) percent.

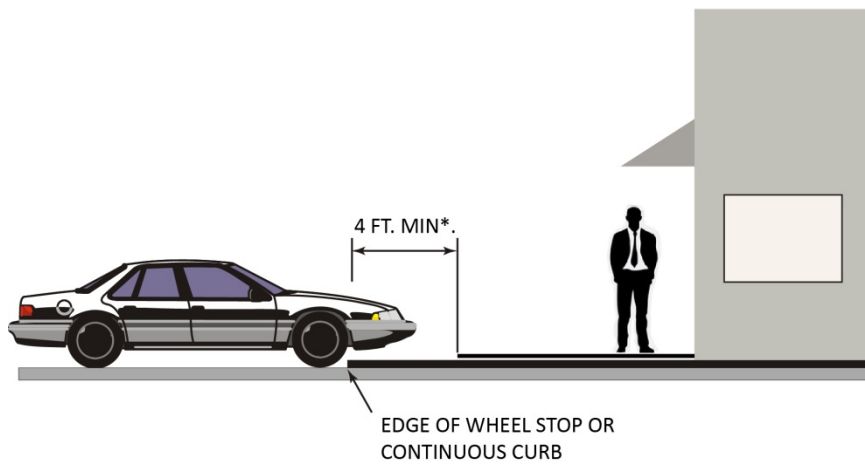


STRUCTURE SETBACK REQUIREMENTS



PLANTING SETBACK REQUIREMENTS

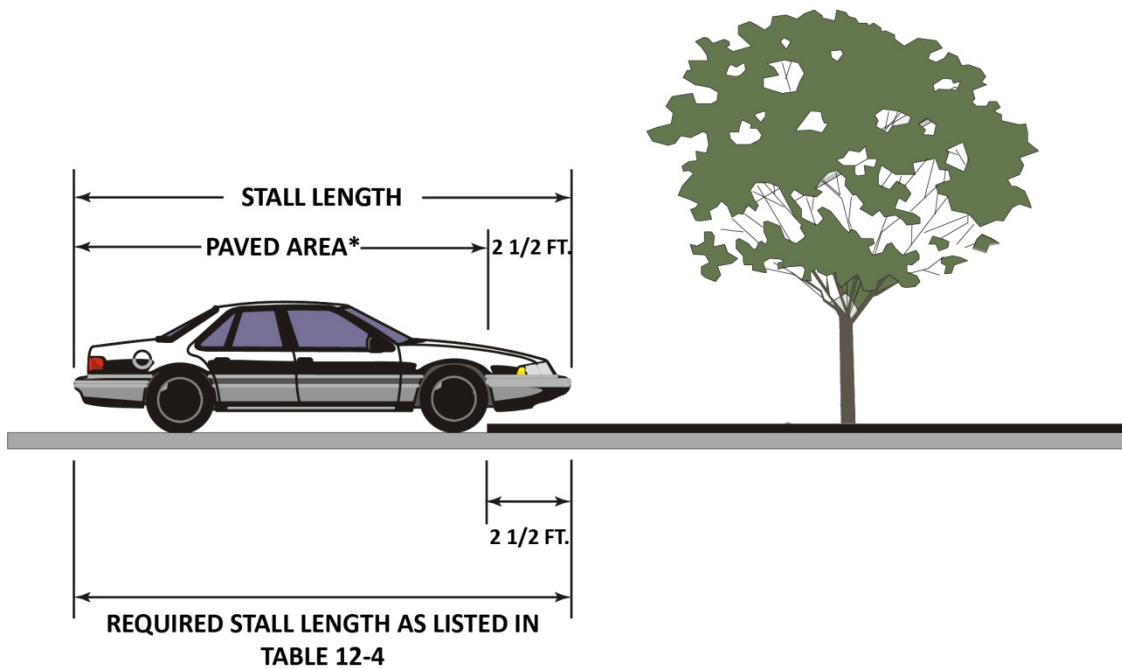
*The minimum distance shall be 5 1/2 ft. when adjacent to a sidewalk



STRUCTURE SETBACK REQUIREMENTS

*The minimum distance shall be 4 ft. from the edge of sidewalk

Figure 12- 4 – Structure and Planting Setback Requirements



*Required Paved Area of Stall Includes Previous Overhang Area

Figure 12- 5 - Pavement Area Adjustment with Continuous Curb Usage

12-5 LOCATION OF REQUIRED PARKING SPACES

12-5.1 Off-Street Parking

Required off-street parking spaces for any use shall be located on the same parcel as the use they are intended to serve, except where these regulations allow shared parking between uses on different lots pursuant to Section 12-3.3, Shared Parking.

12-5.2 Residential Parking

On any residential use parcel or in a residential district, no off-street parking area, maneuvering area for parking spaces, or loading area shall be located within any required yard. Such vehicles shall only be parked on a paved surface or in an enclosed garage. This restriction shall not apply to driveways providing access from the street to the required parking area located outside of the required front yard, nor is it intended to prohibit parking of vehicles on a drive serving a detached dwelling. Within ten (10) feet of the right-of-way, the maximum width of the driveway shall be twenty-four (24) feet in a Single-Family District. No residential parking area or garage, in a residential district or on a parcel being used for residential purposes, shall be utilized ~~for more than one by any (1)~~ commercial vehicle owned or normally operated by a resident of the premises ~~and such vehicle shall not that~~ exceeds ~~d~~ one and one-half (1½) tons capacity. Examples of such vehicles include vans and panel trucks.

12-5.3 Parking of Boat, Trailer, R.V. or Mobile Home

In any Residential District placing a boat, trailer, R.V, or mobile home shall be prohibited, except that outside the Flood Plain Area one (1) trailer as defined in Chapter 2 or one (1) boat may be parked or stored in a garage or other accessory building. Outdoor storage of a boat or trailer is prohibited in any front yard, side yard, or required rear yard in any Residential District. No occupancy for human habitation shall be maintained or business conducted therein while such trailer or boat is so parked or stored. The wheels or any similar transporting devices of any such trailer permitted within any Residential District shall not be removed, nor shall any trailer be temporarily or permanently affixed to the ground or attached to something having a temporary or permanent location on the ground.

12-5.4 Parking of Inoperable or Abandoned Vehicles

The parking or storage of inoperable, abandoned, or junk vehicles (see Chapter 2, Definition, for Abandoned Junk Motor Vehicle) is prohibited outdoors in all districts, except as otherwise provided for in this Resolution. No vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. The location and duration or temporary parking or storage of an unlicensed operable vehicle may be approved by the Zoning Inspector through the issuance of a Temporary Zoning Certificate on the basis of the adequacy of the parcel size, condition of the vehicle, visibility from other properties and absence of undue adverse impact on adjacent property or on the area as a whole.

12-5.5 Traffic Patterns

All parking garages and lots shall be located and designed to encourage minimal routing of traffic along public rights-of-way contiguous to blocks that contain primary education facilities or recreation sites designed for children or which have over fifty percent (50%) of their frontage developed with single- or two-family dwellings.

12-6 LANDSCAPING FOR OFF-STREET PARKING AREAS

12-6.1 Applicability

- A. Scope. The application of the landscape regulations established by this Section shall be limited to the same scope as defined in Sections 12-2.1, New and Expanded Uses and Section 12-2.2, Existing Uses, of this Chapter.
- B. Exception. Vehicular use areas containing less than five (5) parking spaces shall be exempt from the requirements of this Section 12-6, Landscaping for Off-Street Parking Areas. Where the total parking provided is located in more than one (1) location on a site and each location contains less than five (5) parking spaces, each such area shall be exempt from Section 12-6, Landscaping for Off-Street Parking Areas if separated on all sides by at least twenty (20) feet of non-paved area.
- C. Alteration or expansion. Where an existing off-street parking area containing less than five (5) contiguous parking spaces is expanded and thereby contains five (5) or more contiguous parking spaces, landscaping for the entire area shall be provided for both the existing and new parking areas.

12-6.2 Total Landscaping Required

The total landscaping required in off-street parking areas is twenty-two (22) square feet per parking and stacking space. Interior ~~and streetscape~~ landscaping counts toward the minimum square feet of landscaping required per parking space. Boundary buffers do not count toward the minimum square feet of landscaping required per parking space.

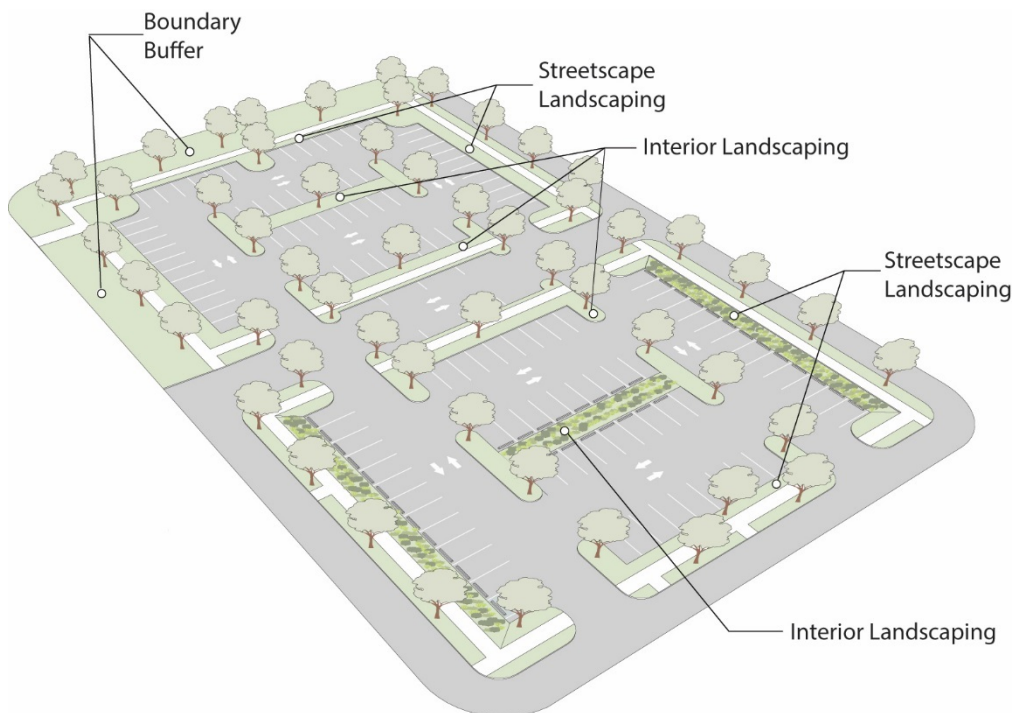


Figure 12- 6 - Off-Street Landscaping

12-6.3 Interior Landscaping Standards

Interior landscaping shall comply with the following standards:

- A. Design. Landscape areas shall be peninsular, island types, or tree islands as defined in Chapter 15, General Landscape Materials Standards.
 1. Location. All parking spaces must be at least within one-hundred (100) feet of a landscaped area.
 2. Retail. For retail uses having a sidewalk abutting or parallel to the storefront, three (3) feet of landscaping between the sidewalk and an off-street parking area is required for at least 50% of the entire building frontage. The storefront landscape buffer must be evenly distributed along the entire building frontage. Shrubs no lower than ~~one (1) foot~~ **eighteen (18) inches** in height and other ground cover must be planted in the buffer zone at a ratio of not less than thirty (30) per one-hundred (100) feet of buffer.
 3. Office. For office uses that have a sidewalk abutting or parallel to the building, three (3) feet of landscaping between the sidewalk and an off-street parking area is required for one-hundred percent (100%) of the entire building frontage. This requirement does not include walkways for ingress and egress to the building. The landscape buffer must be evenly distributed along the entire

building frontage. Shrubs no lower than ~~eighteen (18) inches~~~~one (1) foot~~ in height and other ground cover must be planted in the buffer zone at a ratio of not less than thirty (30) per one-hundred (100) feet of buffer.

- B. Minimum Area. The minimum landscape area shall be one-hundred (100) square feet.
- C. Surface. Any landscape area provided under this Section shall not contain bare soil. Any ground area shall be covered with stones, mulch, vegetative ground cover, or other surface permeable by water.
- D. Retention Basins. Natural or landscaped detention basins may count toward minimum square footage landscaping requirements.
- E. Traffic Visibility. No landscaping shall obscure visibility at vehicular intersections with the parking area or other areas where clear visibility is necessary to assure safe circulation. Where safe visibility is impaired, canopy trees shall have branches removed from the trunk at least ~~five (5)~~~~six (6)~~ feet above the ground and shrubs or groundcover shall not exceed two (2) feet in height. Evergreen trees and under story trees that would impair visibility for safe circulation shall not be planted in these areas.
- F. Minimum Width. No interior landscaping area shall be less than ten (10) feet by ten (10) feet.
- G. Tree Islands. Individual tree islands are permitted in parking lots. Trees located in these islands may be applied to the total number of required trees, as well and in the impervious surface ratio calculation and distance requirements pertaining to parking space locations. These islands are permitted at the junction of four parking spaces, with an area not to exceed twenty-five (25) square feet. Trees should be of a canopy or under story variety.

12-6.4 Determination of Interior Landscape Requirements

The Landscape Requirements shall be computed as follows:

- A. Interior Landscape Area Requirement. Determine the landscape area by multiplying the Landscape Area Requirement of twenty-two (22) square feet per parking and stacking space (Sec. 12-6.2, Total Landscaping Required) by the total number of parking spaces on the lot.
- B. Planting Requirements. To determine the minimum number of canopy trees, use the rate of two (2) canopy tree for each ten (10) parking spaces for retail uses and three (3) canopy trees for each ten (10) parking spaces for non-retail uses. Any fractional number of trees should be calculated to the next highest whole number.
- C. Required Plantings. To determine the total number of required shrubs, multiply the total number of required canopy trees by three (3). One canopy tree may substitute for three (3) shrubs. Trees and shrubs do not have to be equally spaced, but may be grouped.

12-6.5 Overlap

When any portion of the parcel is subject to more than one set of landscape or buffer requirements as set forth in this or any other Chapter, the most stringent requirement shall control. The most stringent requirements shall be defined as those which require the highest fence, wall or screen or, if no fence, wall or screen is required, the requirements with the greatest quantity of landscaping.

12-6.6 Credit

Existing trees and shrubs, fences, walls or berms on a parcel may be used to meet the requirements if they meet the standards established in this Chapter and in Chapter 15, General Landscape Material Standards, Section 15-6, Credit for Existing Landscape Materials.

12-6.7 Plant Installation and Maintenance Standards

All new plant material as part of the requirements for this Chapter shall be in accordance with Chapter 15, General Landscape Material Standards.

12-6.8 Modifications

In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the extent of expansion or redevelopment of the site or parking area is deemed to be insignificant, or the presence of existing buffers on adjacent developed property would make strict adherence to the requirements of this Chapter serve no meaningful purpose or would make it physically impossible to install and maintain the required landscaping, the Sycamore Township Zoning Commission or the Board of Zoning Appeals may, upon proper application by the property owner, and upon making findings of fact, modify the requirements of this Chapter provided the existing or resulting landscape features of the development site comply with the spirit and intent of this Chapter, Chapter 14, Buffer Yard and Resource Protection, and other related Chapters.

12-6.9 Authority

The authority to approve landscape modifications resides with the Commission or Board that approves each specific type of zoning request.

12-7 OUTDOOR LIGHTING

The following restrictions shall apply to any outdoor lighting located in any district on parcels where there are parking spaces for five (5) or more vehicles.

12-7.1 Height

All outdoor lighting shall be designed, located, and mounted at heights no greater than sixteen (16) feet above grade for non-cutoff lights and thirty-two (32) feet above grade for cutoff lights. A greater height may be authorized in any district by a Variance approved pursuant to, Chapter 21, Variances.

12-7.2 Illumination

All outdoor lighting shall be designed and located with a maximum illumination as follows:

- A. Residential property - 0.0 foot candles at the property line.
- B. Non-residential property – 0.5 foot candles at the property line.

12-7.3 Shielding

All outdoor lighting for non-residential uses shall be located, screened, or shielded so that adjacent lots located in residential districts are not directly illuminated.

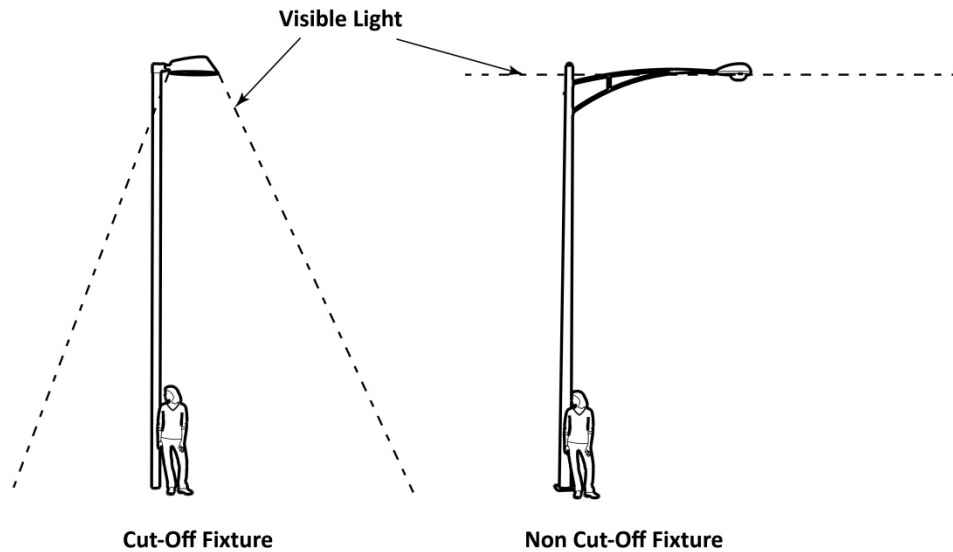


Figure 12- 7 -- Cut-Off (Shielded) and Non Cut-Off (Non-Shielded) Lighting Fixture

12-7.4 Color and Glare

No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.

12-7.5 Luminaire Type

Outdoor light lamps shall be of types recommended in the Township Zoning Commission Section 10-19, Outdoor Lighting.

12-7.6 Factors for Evaluation

The following factors shall be considered in the evaluation of lighting plans:

- A. Pole Height
- B. Type of Luminaire
- C. Site Coverage - average maintained
- D. Uniformity: (1) Maximum: Minimum (2) Average: Minimum
- E. Intensity at Property Line

12-7.7 Location

Outdoor lighting need not comply with the yard requirements of this Resolution, except that no such light shall obstruct sight triangles as defined in Section 14-9, Clear Sight Distances at Street and Access Drive Intersections.

12-8 OFF-STREET LOADING REQUIREMENTS

12-8.1 Scope of Application

The application of the loading regulations established by this Section shall be limited to the same scope as defined in Sections 12-2.1, New and Expanded Uses, and Section 12-2.2, Existing Uses, of this Chapter.

12-8.2 Number of Off-Street Loading Spaces Required

Off-street loading spaces shall be provided for commercial and industrial uses in accordance with the schedule set forth below. Loading spaces shall not conflict with or overlap with the area used for parking.

Table 12- 2 - Schedule of Required Off Street Loading Spaces

SCHEDULE OF REQUIRED OFF-STREET LOADING SPACES	
Gross Floor Area of Structure (square feet)	Number of Required Loading Spaces
0 - 10,000	0
10,001 - 50,000	1
50,001 - 100,000	2
100,001 - 200,000	3
200,001 - 400,000	4
Each additional 200,000	1

12-8.3 General Standards

Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below.

- A. Location of Required Loading Spaces. Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any required front yard, nor shall it permit any vehicle to extend into any front yard or across any lot line of a more restrictive district while being loaded or unloaded.
- B. Dimensions. No required loading space shall be less than twelve (12) feet in width or thirty-five (35) feet in length or have a vertical clearance of less than fourteen (14) feet.
- C. Access. Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. Access to and from loading spaces shall be approved by the Administrative Official.
- D. Surface and Drainage. Every loading space shall meet the surface and drainage requirements of Section 12 4.4, Surface and Drainage.
- E. Screening. All operations, material, and vehicles within any loading space that are visible from public streets or from residential uses shall be screened. The screening material shall be at least six (6) feet in height, 100 percent opaque, and shall meet the requirements for screening as set forth in Chapter 15, General Landscape Material Standards, Section 15-4, Screens.

12-9 VEHICULAR STORAGE YARD REQUIREMENTS

12-9.1 Minimum Setbacks

Any vehicular storage yard shall be located behind the ~~minimum building setback for the site~~principal structure.

12-9.2 Screening

All vehicular storage yards that are visible from public roads or residential districts shall be screened. The screening material shall be at least six (6) feet in height, and shall meet the requirements for screening as set forth in Chapter 15, General Landscape Material Standards, Section 15-4, Screens.

12-10 SCHEDULE OF REQUIRED OFF-STREET PARKING REQUIREMENTS

The minimum number of off-street parking spaces required for new and expanded uses, shall be as established in Table 12-3, Schedule of Off-Street Parking Requirements, on the following pages.

Table 12- 3 - Schedule of Off-Street Parking Requirements

RESIDENTIAL USES	FORMULA
Accessory Apartment	One (1) space per apartment + two (2) per single-family house
Apartments/Attached condominium units	One and one-half (1½) spaces per efficiency or one (1) bedroom unit; two (2) spaces per unit with two (2) or more bedrooms
Bed and Breakfast	Two (2) spaces per owner + one (1) space per guest room.
Day Care, Child, Type A and Type B	One (1) space per four children of licensed capacity + one (1) space per employee in addition to the required spaces for the dwelling
Dormitory, Fraternity, Sorority	One (1) space per bedroom + one (1) space per employee
Granny Cottage	One (1) space per bedroom
Group Home	One (1) space per resident room + two (2) visitor’s spaces + one space per four-hundred (400) sq. ft. of net floor area, excluding resident rooms
Single-Family, Two-Family, Townhouse, Manufactured/Mobile Home	One and one-half (1½) spaces per efficiency or one (1) bedroom unit; two (2) spaces per unit with two (2) or more bedrooms
Three-Family	One and one-half (1½) spaces per efficiency or one (1) bedroom unit; two (2) spaces per unit with two (2) or more bedrooms

COMMERCIAL USES	FORMULA
Amphitheater, Arena, Auditorium, Banquet, Exhibition or Meeting Halls, Stadium	One (1) space per three (3) seats or one (1) space per fifty (50) sq. ft. of net floor area where fixed seating is not available
Amusement Park	One (1) space per three (3) persons at design capacity
Art Gallery, Antique Store, Interior Decorator Service	One (1) space per three-hundred (300) sq. ft. of net floor area
Automobile and Truck Rental	One (1) space per four-hundred (400) sq. ft. of net floor area
Automobile Sales (Accessory Service)	One (1) space per three-hundred (300) sq. ft. of net floor area of sales, shop or garage + adequate parking spaces for automobile sales inventory
Automobile Service	Two (2) spaces per service bay (excluding the bay) + one (1) space per fifty (50) sq. ft. of waiting room area and one (1) space per vehicle used in operation of the service
Banking/Financial Institution (Drive-in or Drive Through Service Window - Sec. 10-9)	One (1) space per two-hundred (200) sq. ft. of net floor area + stacking space for drive-in service lane
Batting Cage	One (1) space per cage + one (1) space per one-hundred (100) sq. ft. of waiting area.
Barber Shops & Beauty Salon	One (1) space per one-hundred (100) square feet of net floor area
Billiard Parlor or Pool Room	One (1) space per one-hundred (100) square feet of net floor area
Bowling Alley	Six (6) spaces per lane + additional spaces as required for a restaurant, bar, banquet room or other accessory use
Building Materials, Sales and Distribution	One (1) space per (400) sq. ft. of net floor area
Car Wash, Automated	Five (5) stacking spaces per automated car wash lane.
Car Wash, Self Service	Four (4) stacking spaces for each stall + two (2) drying spaces per stall
Convenience Retail (with gas pumps)	One (1) space per one-hundred (100) sq. ft. of net floor area + one (1) space per pump
Delicatessens, Bakery Goods, Meat, Fruit & Vegetable Markets	One (1) space per one-hundred fifty (150) sq. ft. of net floor area.
Drive-In or Drive-Through Facility	Five (5) stacking spaces per lane + one (1) space per one-hundred (100) sq. ft. of net floor area if entirely drive-through. See Section 10-9, Drive-in, or Drive-Through Service Windows
Durable Goods, Carpet, Furniture and Appliances, Sales & Rental	One (1) space per four-hundred (400) sq. ft. of net floor area
Funeral Home or Mortuary	One (1) space per seventy-five (75) sq. ft. of parlor or chapel space or one (1) per five (5) seats, whichever is greater, but not less than twenty (20) spaces
Health & Fitness Facility	One (1) space per two-hundred (200) sq. ft. net floor area
Gasoline Service Station (with repair)	One (1) space per pump + one (1) space per employee + two (2) spaces per service bay (excluding the bay space) and one (1) space per vehicle used in operation of the service

COMMERCIAL USES	FORMULA
Golf Driving Range	Two (2) spaces per driving tee + one (1) space for every one-hundred (100) sq. ft. under roof.
Heliport	One (1) space per four (4) seats in waiting area + one (1) seat for every 50 sq. ft. of floor area associated with the heliport.
Machinery, Boat, Truck, Farm & Construction Equipment Sales, Rental & Service	One (1) space per seven hundred fifty (750) sq. ft. of net floor area + one (1) space per 2,500 sq. ft. of outdoor display area.
Miniature Golf Course	Two (2) spaces per hole + one (1) space per one-hundred (100) sq. ft. of net floor area for other indoor game activities
Motorcycle, Sales & Service	One (1) space per four-hundred (400) sq. ft. of net floor area
Motel/Hotel	One (1) space per lodging unit + additional spaces as necessary for meeting rooms, banquet facilities, bars and restaurants
Office (Excluding Medical)	Office Buildings 0-20,000 sq. ft.: Four (4) spaces for the first 1,000 sq. ft. plus one (1) space for every four-hundred (400) sq. ft. net area over 1,000 sq. ft. (Ratio 2.5/1000sq ft.) Office Buildings 20,001 sq. and up: Four (4) spaces for the first 1,000 sq. ft. plus one (1) space for every two-hundred fifty (250) sq. ft. net area over 1,000 sq. ft. (Ratio 4/1000sq ft.)
Office, Medical/Clinic	Six (6) spaces +one (1) space per two-hundred (200) sq. ft. of net floor space in excess of 1000 sq. ft.
Photo Lab, Picture, TV or Sound Studio	One (1) space per one-hundred (100) sq. ft. net floor area + one (1) space per facility vehicle
Recycling Drop-off Facility	One (1) space per drop-off and five (5) stacking spaces per lane + employee minimum of five (5) additional spaces
Restaurant / Bar	One (1) space per fifty <u>(50)</u> sq. ft. of net floor area
Restaurant Drive-Through	Five (5) stacking spaces per lane; See Section 10-9, Drive-In or Drive-Through Service Windows
Retail, Sales and Service Retail Convenience Retail, Local Retail, Regional	One (1) space per one-hundred fifty (150) sq. ft. of net floor area One (1) space per two-hundred (200) sq. ft. of net floor area+ additional spaces as required herein for associated office space, theaters and restaurants One (1) space per two-hundred twenty (220) sq. ft. of net floor area + additional spaces as required herein for associated office space, theaters and restaurants

COMMERCIAL USES	FORMULA
Service Establishments: Dry Cleaning or Laundry Pick-Up Stations, Print Shops, Tailoring, Shoe or Hat Repair	One (1) space per three-hundred (300) sq. ft. of net floor area
Skating Facility	One (1) space per two-hundred fifty (250) square feet of net floor area
Studio: Art, Dance, Gymnastics, Music	Five (5) spaces, plus one (1) space for each one-hundred fifty (150) sq. ft. of net floor area in excess of five-hundred (500) sq. ft.
Swimming Pools, Tennis or Racquet Clubs, and Similar Recreation Facilities Open to The Public for A Fee	One (1) parking space per fifty (50) square feet of pool area; eight (8) spaces per indoor tennis court; five (5) spaces per outdoor tennis court; five (5) spaces per racquet ball and/or handball court
Theater, Motion Picture or Live Performance	One (1) space per four (4) seats
Automobile Body Shop	Two (2) spaces per service bay (excluding the bay) + one (1) space per fifty (50) sq. ft. of net floor area in office and waiting room + one (1) space per vehicle used in operation of the service
Flammable Liquids/Gases, Heating Fuel Distribution and Storage	One (1) space per 1,000 sq. ft. of facility + one (1) space per facility vehicle used in operation of the service
Laundry, Dry Cleaning, Linen, Diaper Service (plant on premises)	One (1) space per 400 sq. ft. of net floor area + one (1) space per facility vehicle
Manufacturing, Transfer Station,	One (1) space per 1,000 sq. ft. of net floor area + one (1) space per facility vehicle
Mini-Storage Facility	Three (3) spaces + one (1) space per one-hundred (100) individual storage units
Outside Storage	Two (2) spaces for the first 2,000 sq. ft. + one (1) space per additional 2,000 sq. ft.
Package Delivery Service, Truck Terminal, Taxicab Barn	One (1) space per 1,000 sq. ft. net floor area + one (1) space per facility vehicle
Recycling Facility	One (1) space per 1,000 sq. ft. of net floor area or outdoor storage area + one (1) space per collection vehicle + two (2) drop-off spaces per bay and/or collection vehicle and container
Research Lab	One (1) space per seven hundred and fifty (750) sq. ft. of net floor area + one (1) space per facility vehicle.
Telecommunication Towers	One (1) space of sufficient size to park the largest anticipated vehicle
Vehicle Storage Yard	One (1) space per employee on maximum shift + one (1) space per facility vehicle + one (1) space per two-hundred fifty (250) sq. ft. net floor area

INDUSTRIAL USES	FORMULA
Warehouse, Display Room for Wholesale Activities	One (1) space per 2,000 square feet of warehouse floor area + additional space for office area as per general office requirements.
INSTITUTIONAL USES	FORMULA
Cemetery	One (1) space per 100 sq. ft. of administration building, service garage or storage facility + additional spaces for funeral home area as per funeral home requirements
Church or Temples	One (1) space per four (4) seats or bench seating in the main assembly room or one (1) space per thirty (30) sq. ft. of net floor area of the principal assembly area + additional space for office and educational areas as per respective requirements
Correctional Facility	One (1) space per four hundred sq. ft. of net floor area excluding holding cells + one (1) space per twenty-five (25) inmates
Day Care Center, Child, Pre-School	Two (2) spaces + one (1) space per facility vehicle stored on the lot + one (1) parking space per six (6) children of design capacity
Halfway House	Two spaces + one (1) space per bed
Hospital	One (1) parking space per bed
Nursing, Convalescent Home, & Continuing Care Facility	One (1) space per four (4) residents of design capacity
School, Elementary (K-6)	One (1) space per twenty (20) classroom seats of design capacity + ten (10) visitor spaces
School, Junior High/Middle School	One (1) space per twenty (20) classroom seats of design capacity + ten (10) visitor spaces
School, Senior High	One (1) space per five (5) classroom seats of design capacity + twenty (20) visitor spaces
School, Vocational / Professional	One (1) space per two (2) students of design capacity
University or College	One (1) space per five (5) students of design capacity + one (1) space per three (3) auditorium seats
PUBLIC SERVICE USES	FORMULA
Government Buildings	One (1) space per two-hundred fifty (250) sq. ft. of net floor area+ one (1) space for each government vehicle
Government Storage Yard	One (1) space per facility vehicle + one (1) space per five-hundred (500) sq. ft. net area
Library	One (1) space per four-hundred (400) sq. ft. of net floor area
Police & Fire Stations	One (1) space per facility vehicle + one (1) space per one-hundred (100) sq. ft. net floor area
RECREATIONAL, CULTURAL & ENTERTAINMENT USES	FORMULA
Athletic/Play Field	Ten (10) spaces per acre
Botanical Garden	Four (4) spaces per acre of grounds

Campground	One (1) space per campsite + one (1) space per one-hundred (100) sq. ft. of net floor area of administrative building
Club, Private	One (1) space for each fifty (50) square feet of net floor area used for assembly, game room, dancing or dining, plus one (1) for each sleeping room
Community (recreation) Center	One (1) space per two-hundred (200) sq. ft. of net floor area
Golf Course	Four (4) spaces for each hole + one (1) space for one-hundred (100) sq. ft. of net floor area in any cocktail lounge, bar, club house or similar facility.
Museum	One (1) space per five-hundred (500) sq. ft. of net floor area
Outdoor drama theater (not drive-in)	One (1) space for each three (3) seats
Parks, Playgrounds	Four (4) spaces per acre
Tennis or Racquet Clubs, and Similar Recreation Facilities	Eight (8) spaces for each indoor tennis court; five (5) spaces for each outdoor tennis court; five (5) spaces for each racquet ball and/or handball court
Recreation center, Indoor	One (1) space per one-hundred (100) sq. ft. of net floor area
Swim Facility	One (1) parking space for each fifty (50) square feet of pool area + one (1) per employee
AGRICULTURAL USES	FORMULA
Farm Market	One (1) space per one-hundred fifty (150) sq. ft. of net floor area
Fishing Lake	One (1) space per one-hundred fifty (150) sq. ft. of net floor area + five (5) spaces per acre of lake
Kennel, Commercial	One (1) space per 1000 sq. ft. of net floor area + one (1) space per employee + one (1) drop-off space per twenty (20) kennel spaces.
Nursery, Greenhouse	Two spaces + one (1) space per two-hundred fifty (250) sq. ft. of indoor net floor area + one (1) space per 1000 sq. ft. of net outdoor sales/display areas
Stable	One (1) space per four (4) stalls + one (1) space per two-hundred (200) sq. ft. of stall space.
Veterinarian Facility	Three (3) parking spaces for the first seven-hundred fifty (750) sq. feet, plus one (1) space for each three-hundred (300) square feet of net floor area in excess of seven-hundred fifty (750) square feet

CHAPTER 13 – SIGNS

13-1 PURPOSE

The purpose of this Chapter is to balance the need to protect the public safety and welfare, the need for a well-maintained and attractive community, and the need for adequate identification, communication, and advertising. These regulations are further intended:

- A. To allow businesses, institutions, and people to exercise their right to free speech by displaying messages on a sign, and to allow audiences to receive such information;
- B. Enhance the economy and the business and industry of the Township by promoting the reasonable, orderly, and effective display of signs and thereby encourage increased communication with the public;
- C. To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property, and public welfare;
- D. To reflect and support the desired ambience and development patterns of the various zoning districts and promote an attractive built environment;
- E. To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street, sidewalk, bike path, or other form of transportation infrastructure; and
- F. To implement relevant provisions of the comprehensive plan.

13-2 SCOPE

The regulations of this Chapter shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance and relocation of any sign that is visible from any street, sidewalk or public or private common open space. These regulations shall also govern the removal of signs determined to be physically unsafe or which create a safety hazard to the public. The regulations of this Chapter dictate the types, location and physical standards of signs that are permissible for specified uses, subject to the sign permit procedures of this Chapter. The regulations of this Chapter shall be in addition to any provisions of Chapter 5516 of the Ohio Revised Code and the Ohio Building Code (OBC) applicable to the construction and maintenance of signs.

13-3 DEFINITION OF TERMS

Words, terms, or phrases, not otherwise defined in this section, shall have, for the purpose of this Resolution, the meaning or meanings attributed to them in Chapter <> (Definitions) or the meaning or meaning attributed to them in English usage current at the time of adoption of this Resolution, and words used in the present tense shall include the future. The word "shall" is mandatory and not permissive. For the purposes of this Chapter, signs and their features and characteristics shall be defined and classified as follows:

A. Freestanding Signs (See Figure 13-1)

- 1. Pole Sign. A permanent freestanding sign supported by one (1) or more uprights, poles, or braces placed in or upon the ground surface and not attached to any building. Such sign may also be commonly known as a pylon sign.
- 2. Ground Sign. A permanent freestanding sign other than a pole or pylon sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure. Such sign may also be known as a monument sign. A sign that is placed on two posts, where there is no more than one foot of space between the base of the sign at grade and the bottom of the sign shall be considered a monument sign for the purposes of this chapter.

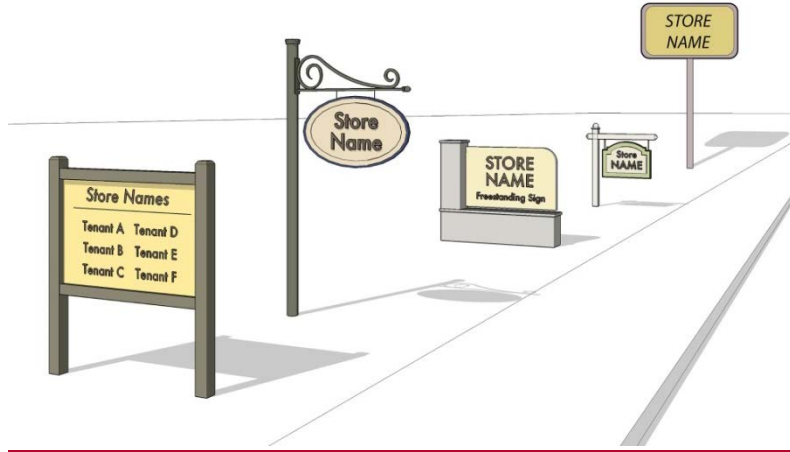


Figure 13- 1 - Freestanding Sign Types

B. Building Signs (See Figure 13-2)

1. Awning Sign. A building sign that is mounted or painted on or attached to an awning or canopy and does not project vertically above or horizontally beyond the physical dimensions of such awning or canopy.
2. Marquee Sign. A building sign attached to a marquee projecting from or supported by the building at main entrances.
3. Projecting Sign. A building sign which projects more than eighteen (18) inches from, and is supported by, a wall of a building, and does not extend beyond the minimum required setback line or into and over street right-of-way, and not less than eight and one-half feet (8½) feet at its lowest point, above sidewalk or ground level.
4. Wall Sign (Fascia Sign). A building sign that is attached directly to a building wall and which does not extend more than eighteen (18) inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall.
5. Window Sign. A building sign affixed to, in contact with, or inside a window; installed for purposes of viewing from outside the premises. This does not include merchandise located in a window.

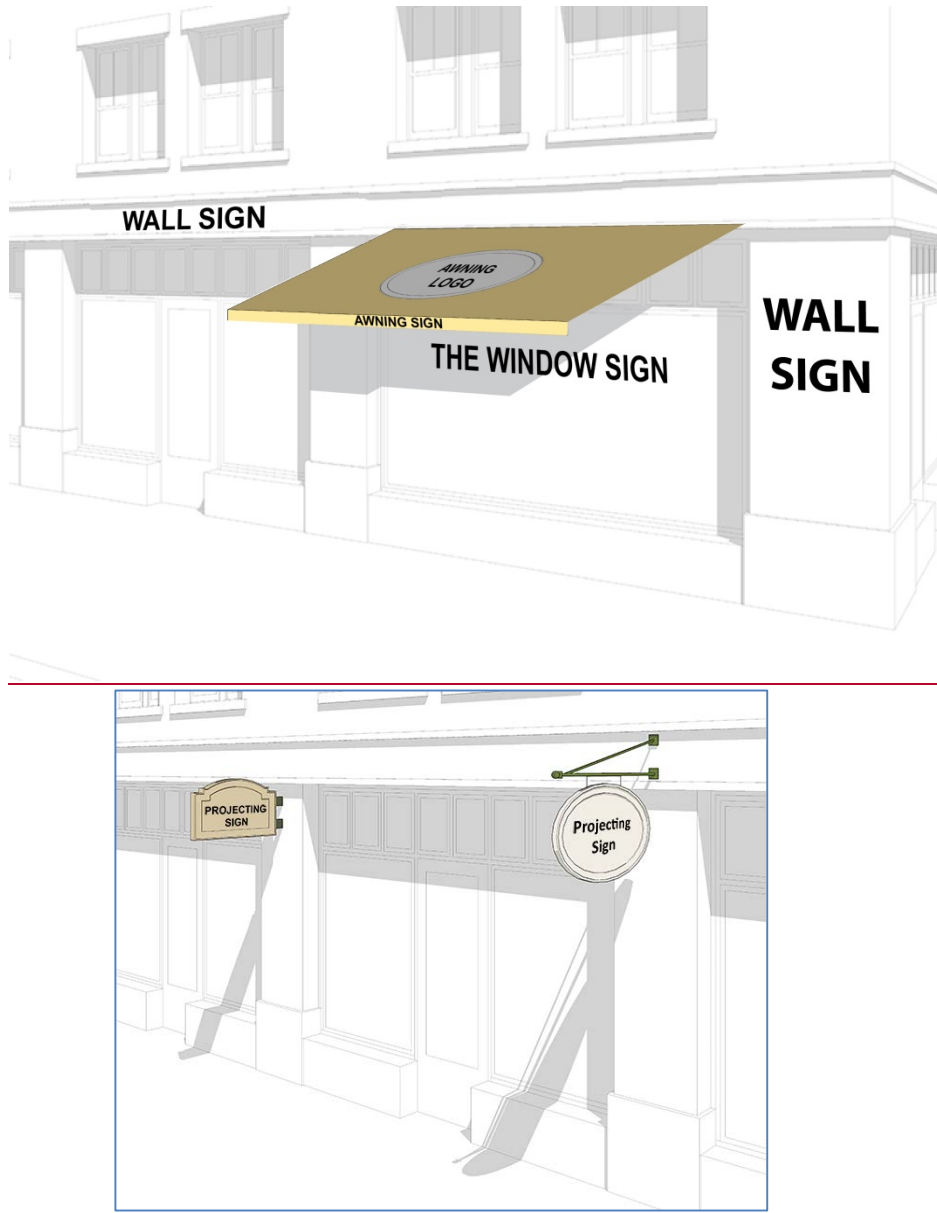


Figure 13- 2 - Building Sign Types

C. Temporary Signs

1. Temporary Sign. A sign which is neither permanently anchored to the ground nor permanently affixed to a structure, nor mounted on a chassis, and intended for a limited period of display.
2. Banner Sign. A temporary sign constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a “Yard Sign.”
3. Flag, Pennant or Other Moving or Animated Sign. Any temporary sign or part of such sign that changes physical position by any movement or rotation of that gives the visual impression of such movement or rotation.
4. Yard Sign. Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

D. Miscellaneous Sign Terms

1. Awning. A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted to a flat position against the building, but not including a canopy or marquee.
2. Billboard. A type of off-premise sign, classified as a business use, generally but not limited to a rigidly assembled sign, display, or device, usually freestanding, that is affixed to the ground or to a building.
3. Canopy. A structure other than an awning made of cloth, metal or other material that may be totally or partially attached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure and does not rise, nor is it capable of retraction.
4. Changeable Copy Sign. A sign designed so that the characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign; also known as a reader board.
5. Clear Sight Triangle. The triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being twenty (20) feet from the intersecting lines. See Section 14-9, Figure 144, Clear Sight Triangle.
6. Clearance (of a Sign). The smallest average vertical distance between the grade of where the sign is attached and the lowest point of any sign, including framework and embellishments, extending over that grade. (Compare “Height”)
7. Commercial Message or Speech. Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
8. Façade. That portion of an enclosed building facing the street or that wall of a building through which there is primary access for customers. Where more than one business occupies the same building, the facade for each business shall be that portion of the building occupied by the business which faces the street or which provides the primary access.
9. Face Change. The removal or replacement of an existing surface display panel where the remaining structural frame is not changed. The changing of a message on a changeable copy sign or the sign face of a billboard is not considered a face change.
10. Flashing Sign. A sign that uses an intermittent, moving or flashing light source to attract attention.
11. Frontage, Building. Total lineal feet of enclosed building length along the facade that fronts the principal dedicated street, or the facade that contains the main entrance to the building.
12. Frontage, Street or Lot. Total lineal feet of right-of-way or easement of access along the front yard of a lot.
13. Frontage, Secondary. The street which the developer selects to be the secondary access to the development.
14. Height (of a Sign). The vertical distance measured from the highest point of the sign, including decorative embellishments, to the average surface grade where the sign is attached. (Compare: “Clearance”)
15. Illuminated Sign. A sign either internally or externally illuminated.
16. Logo. A business trademark or symbol.
17. Maintenance. The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.
18. Marquee. Any fixed hood (other than a canopy or awning), which is supported solely by the building to which it is attached, consisting of metal or other incombustible material and which included a sign or advertising announcement. The location of marquees shall be restricted to the main entrance to a building.

19. Noncommercial Message or Speech. Any sign, wording or logo that does not represent a commercial message or commercial speech. See also “commercial message or speech.”
20. Nonconforming Sign. Any sign which was lawfully erected in compliance with applicable regulations in force at the time and maintained prior to the effective date of this Zoning Resolution, and which fails to conform to all applicable standards and restrictions of this Resolution.
21. Off-Premise Sign. A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
22. On-Premise Sign. A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered one the same lot, site, or property where the sign is located.
23. Portable Sign. A sign not permanently anchored or secured to either a building or the ground, but usually anchored or secured to a trailer, vehicle (where the primary purpose is to advertise) or frame capable of being moved from place to place.
24. Premises. Any tract or tracts of land which comprise a single, integrated development or use of such land. For the purpose of this Chapter, an out parcel along the perimeter of a shopping center or similar multi-tenant use, which contains a freestanding building and a parking area separate from the shopping center as indicated on an approved site plan shall be considered a premises separate from the premises of the shopping center.
25. Roof Sign. A sign that is mounted or painted on the roof of a building, or that is wholly dependent upon a building for support and that project above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable or hip roof or the deck line of a building with a mansard roof.
26. Sign. Any object, device, or structure, or part thereof, situated outdoors or indoors and intended to be visible from the exterior of the structure which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization or nations, state, township, city, or any fraternal, religious or civic organizations; works of art which in no way identify a product or business logo.
27. Sign Structure or Support. Any structure that supports or is capable of supporting a sign, including decorative cover.
28. Snipe Sign. A sign for which a permit has not been obtained which is attached to a public utility pole, light pole, service pole or supports for another sign.
29. Surface Display Area. All solid surface areas of a sign, excluding air space. Structural members bearing no sign copy shall not be included.
30. Variable Message Sign. A sign containing a computer-generated message such as a public service, time, temperature or date, where different copy changes of a public service or commercial nature are shown on the same lamp bank or message facility.
31. Vehicle Sign. Signs on parked vehicles or boats visible from the public right-of-way where the primary purpose of the vehicle or boat is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purpose of this Resolution vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.
32. Visible. Capable of being seen, whether or not legible, without visual aid by a person of normal acuity.

13-4 ZONING CERTIFICATE AND PERMITS

13-4.1 Zoning Certificate Required

Unless expressly exempted in Section 13 4.2, Exemptions, no sign shall be erected, enlarged, expanded, altered (including face changes), relocated or reconstructed on private or public property unless a Sign Zoning Certificate evidencing the compliance of such sign with the provisions of this Chapter shall have first been issued by the Administrative Official.

13-4.2 Exemptions

The following signs and sign-related activities shall be exempt from the provisions of this Chapter and shall not require a zoning certificate:

- A. Routine Maintenance. Routine sign maintenance including cleaning re-painting, replacing lamps, ballasts, and electrical components, and changing of lettering or parts of signs designed to be regularly changed.
- B. Signs Permitted in all Districts. Signs permitted in all districts as listed in Section 13-9, Signs Permitted in All Zoning Districts and Exempt from Zoning Certificates.
- C. Billboard face changes. Billboards shall be allowed sign face changes. Further modifications may be subject to the provisions of Sec. 13-4.3, Nonconforming or Noncomplying Signs.
- D. Copy Changes. The change of a message on any changeable copy sign or any variable message sign.

13-4.3 Nonconforming or Noncomplying Signs

- A. Signs existing on or before the effective date of this Resolution that do not conform to the standards in this Chapter are considered nonconforming and shall be subject to the provisions of this section.
- B. Such sign shall be ordered removed or brought into full compliance with this Chapter by the Administrative Official if:
 - 1. The size of an existing sign face or the size of the overall structure is increased;
 - 2. The structure is relocated;
 - 3. The structure is replaced;
 - 4. The structure is abandoned; or
 - 5. The structure is damaged requiring replacement of any part of the structure or attached cabinet.

13-5 GENERAL STANDARDS

Unless expressly exempted by Section 13 4.2, Exemptions, above, all signs within the Township shall conform to the following general standards.

13-5.1 Type

Except as otherwise noted or permitted, all freestanding signs are to be ground signs.

13-5.2 Illumination

- A. Location and Design of Light Source. Whenever an external artificial light source is used to illuminate a sign, such source shall be so designed, located, shielded, and directed so as not to be directly visible from any public street or residence. If ground lighting is used to illuminate a sign, the receptacle or device shall not protrude more than twelve (12) inches and must be fully screened from view by landscaping material.
- B. Level of Illumination. In no event shall the illumination of any off-premise sign exceed fifty (50) foot candles at the sign face.
- C. Flashing Lights Prohibited. Except when expressly permitted by this Chapter, no flashing, moving, laser generated, strobe, blinking or intermittent lights shall be permitted on or as part of any sign. This does not pertain to variable message signs unless they negatively affect traffic safety.

13-5.3 Height

A. Height and Placement of Building Signs.

1. Building Signs shall be located within the limits of the outside wall of the building.
2. Marquee, awning, or projecting signs shall be designed to have a minimum clearance height of eight and one-half (8½) feet above grade.
3. In order to encourage uniform design, wall signs on the same facade shall maintain the same height above grade except where there are: facade or elevation changes; anchor tenants; multiple lines of copy; variations in the size of upper and lower case letters; or similar circumstances in which exceptions are required.

B. Height of Freestanding Signs.

1. Freestanding signs in the residential zoning districts are permitted at a maximum height of six (6) feet.
2. Freestanding signs in the (E) Retail district are permitted at a maximum height of eight (8) feet. One (1) additional foot of height is permitted for every three (3) feet beyond the required setback up to a maximum sign height of fifteen (15) feet, or as further regulated in Section 13-12.3, Freestanding Signs.
3. Freestanding signs in the (O) Office districts are permitted at a maximum height of six (6) feet. One (1) additional foot of height is permitted for every five (5) feet beyond the required setback up to a maximum sign height of fifteen (15) feet.
4. Freestanding signs in the (F) Light Industrial district are permitted at a maximum height of six (6) feet. One (1) additional foot of height is permitted for every five (5) feet beyond the required setback up to a maximum sign height of fifteen (15) feet.
5. Freestanding signs in the (I) Institutional district are permitted at a maximum height of six (6) feet. One (1) additional foot of height is permitted for every five (5) feet beyond the required setback up to a maximum sign height of fifteen (15) feet.
6. Freestanding signs are permitted within the Clear Sight Triangle at a maximum height of three (3) feet or as provided in Section 13-5.5, Traffic Safety.

13-5.4 Minimum Setback

All signs shall be setback a minimum of ten (10) feet from the right-of-way, easement of access, or edge of pavement, whichever is the greater setback, and five (5) feet from all other property lines. A side lot setback adjoining a residential district shall be setback a minimum of fifty (50) feet from the adjoining residential district. With the exception of freestanding signs at driveways, all signs must be located outside of any clear site triangle.

13-5.5 Obstruction of Access ways

No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door, window or other required access way.

13-5.6 Traffic Safety

No sign shall be maintained at any location where by reason of its position, size, shape, content, color, or illumination it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, or device, or where it may interfere with, mislead or confuse traffic regardless whether or not it meets other size, location and setback requirements of this Section.

13-5.7 Signs in Rights-of-Way

No sign, except government signs authorized by this Chapter, shall be placed in or extend into or over any public property or right-of-way.

13-5.8 Sign Maintenance

The owner of an on-site or off-site sign shall be liable to maintain such sign, including its illumination sources, in compliance with this Chapter and all applicable laws, in a safe and secure condition, and in a neat and orderly condition and good-working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign.

13-5.9 Architectural Features

Architectural or design features which are integrated into the sign structure may not exceed fifty (50) percent of the sign surface area.

13-5.10 Sign Base

- A. All freestanding signs are to be constructed with a base made up of stone, brick, or other architecturally compatible base material. The sign is to be connected to the base. The sign base shall be made of a material and color that is compatible with the principal structure on the lot which the sign is located.
- B. Signs with a total sign face area of less than 24 square feet shall not be required to have a base as required by this section but such sign shall be constructed of painted wood, Medium Density Overlay (MDO), or High-Density Urethane (UDO) and shall be located in a landscaped area with a minimum area of 24 square feet.

13-6 SIGN MEASUREMENT

13-6.1 Area of a Freestanding Sign

The area of a freestanding sign shall be determined by computing the visible surface display area, that is, all solid surface areas excluding air space, architectural and design features. Freestanding signs include pole, pylon, and ground signs.

- A. If the angle separating two faces of a V-shaped sign is more than forty-five (45) degrees or ten (10) feet, the sign faces visible from one point are added cumulatively as one sign face (Figure 13-3, Area of a Freestanding Sign).
- B. The width of a sign face shall not exceed the width of the base of a freestanding ground sign.

13-6.2 Area of Wall (Building) Signs

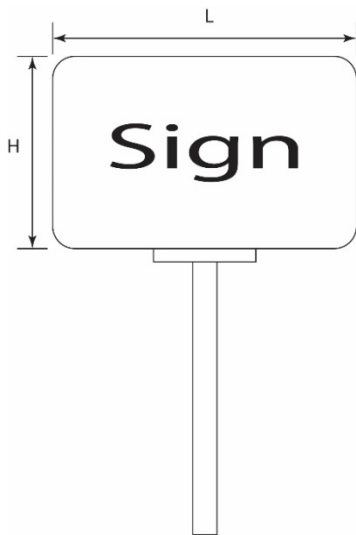
The area of a building sign shall be determined by computing the visible surface display area, that is the words, numbers, and/or graphics which are totally enclosed by a frame or graphic design.

- A. In the case of words containing lower case letters mounted individually to the wall of the building, the area of the sign is the square footage area that is measured by taking the height of the lower case letters multiplied by the total word length and adding the height of the uppercase letters multiplied by the letter(s) length (Figure 13-4, Area of a Wall (Building) Sign).
- B. If the vertical space between the rows individually mounted letters exceeds eleven (11) inches, the sign shall be considered as two separate signs.

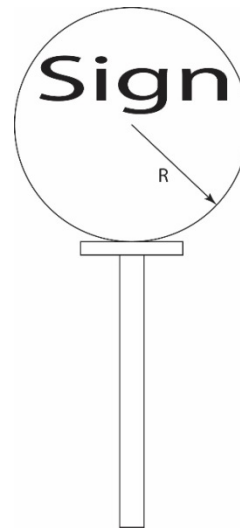
13-6.3 Exceptions

In a residential development where the sign identifying the name of the development is attached to a wall or fence, the area of the sign shall be calculated as a building sign per subsection (2) of Section 13-6.2, Area of Wall (Building) Signs.

Pole or Pylon



Sign Face Area = (L) x (H)

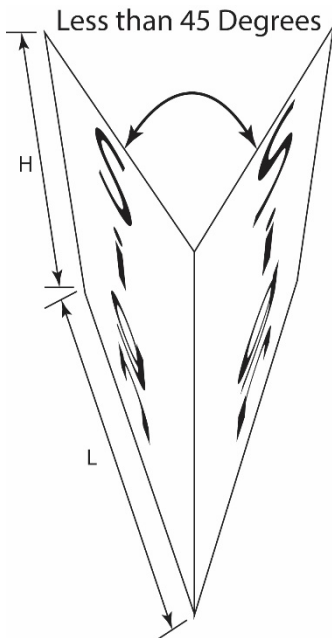


Sign Face Area = 3.14 R²

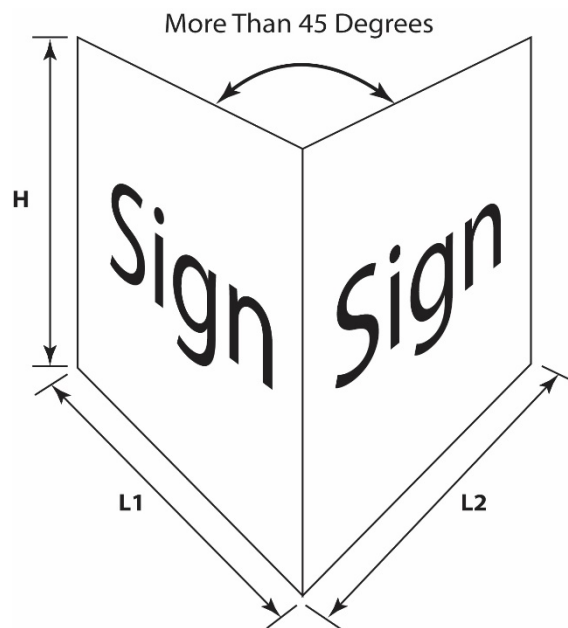


Figure 13- 3 - Area of a Freestanding Sign (Visible Surface Display Area)

V-Shaped



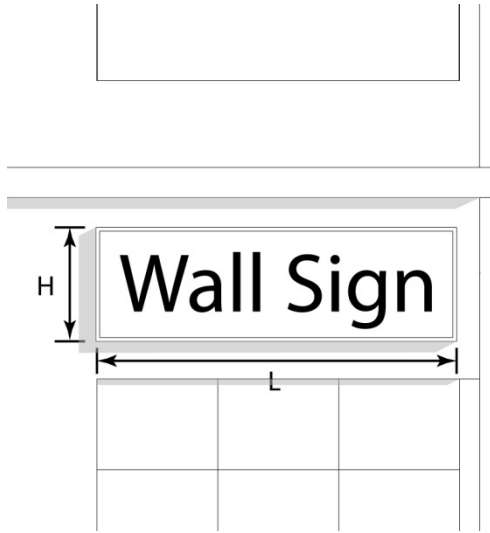
Sign Face Area = (L) x (H)



Sign Face Area = (L1 + L2) x (H)
(Considered as One Face)

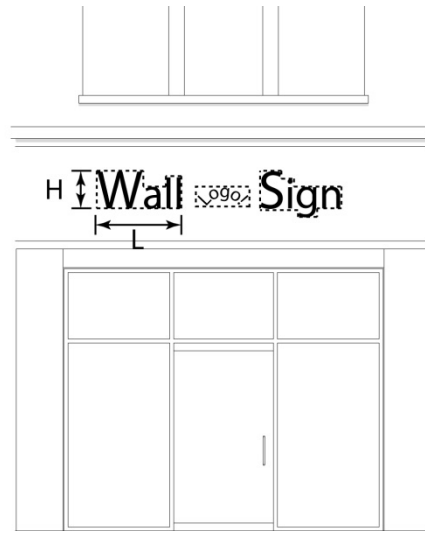
Figure 13- 4 - Area of a Freestanding Sign (Visible Surface Display Area)

**Wall Sign
Within Frame or Graphic Enclosure**



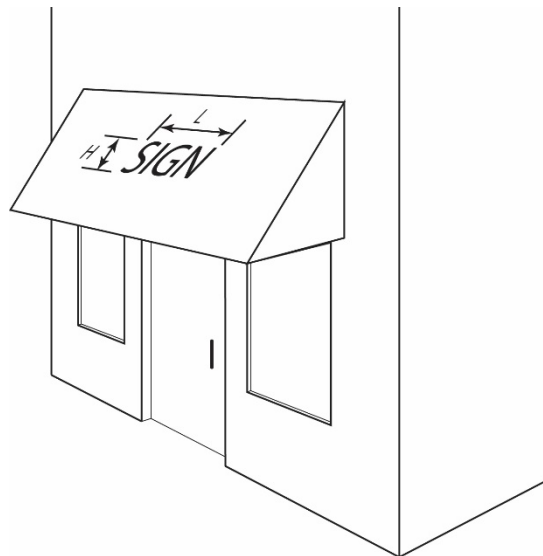
Sign Face Area = (L) x (H)

**Wall Sign
Letters Mounted Individually**



Sign Face Area = (L) x (H)

Awning Sign



Sign Face Area = (L) x (H)

Figure 13- 5 - Area of a Wall (Building) Sign (Visible Surface Display Area)

13-7 SIGNS SPECIFICALLY PROHIBITED IN ALL ZONING DISTRICTS

The following signs, in addition to all other signs not expressly permitted by this Chapter, are prohibited in all zoning districts and shall not be erected, or maintained:

- A. Roof sign.
- B. Variable message signs.
- C. Signs that move or give the appearance of moving, including sky dancers, pennants, streamers, flags in excess of sixty (60) square feet, other than noncommercial message flags, unless otherwise approved as part of Localized Alternative Sign Regulations (LASR) pursuant to Section 13-15, Billboards (Outdoor Advertising Signs).
- D. Flashing Signs. Signs containing any flashing or running lights or lights creating an illusion of movement, excluding holiday decorations and time and temperature devices that display time and temperature messages only.
- E. Signs which imitate or are easily confused with official traffic signs.
- F. Signs that are structurally unsafe or hazardous.
- G. Portable signs, except as permitted temporarily in Section 13-12.2, Portable or Movable Signs.
- H. Snipe signs.
- I. Bench signs.

13-8 PERMITTED SIGNS

No Sign Zoning Certificate shall be issued unless the type of proposed sign is permitted in the zoning district in which the sign is to be located as indicated in this Chapter; the sign meets the general standards in Section 13-5, General Standards; the standards for off-premise signs set forth in Section 13-15, General Standards; and the sign does not, by itself or cumulatively with other existing or planned signs, exceed these regulations.:

13-9 SIGNS PERMITTED IN ALL ZONING DISTRICTS AND EXEMPT FROM ZONING CERTIFICATES

The following signs are permitted in all zoning districts without a fee and without issuance of a zoning certificate subject to the requirements stated herein. All signs in this section, unless otherwise stated below, shall be setback a minimum of ten (10) feet from the right-of-way, easement of access, or edge of pavement, whichever is the greater setback, and five (5) feet from all other property lines.

- A. Traffic or government signs conforming to the Ohio Manual of Uniform Traffic Control Devices (OMUTCD).
- B. Any sign installed by the Township, County, State, or an authorized transit agency.
- C. Temporary Yards Signs without a Commercial Message
 - 1. Temporary yard signs that do not contain a commercial message shall not be posted in any place or in any manner that is destructive to public property including, but not limited to, rights-of-way, utility poles, public trees, etc.

2. Temporary signs that do not contain a commercial message shall not be located in any vision clear sight triangle as specified this Chapter.
3. The maximum height of temporary signs without commercial speech shall be six feet.

D. Temporary Signs on Properties for Rent or Sale, or Under Construction

Temporary signs with a commercial message may be located on properties for sale, lease, or rent, or where there are permitted construction activities, in all zoning districts, provided they comply with the following:

1. There shall be a maximum of one sign per public street frontage.
2. For properties in a residential zoning district, the maximum sign area shall be 12 square feet with a maximum height of six feet. In all other zoning districts, the maximum sign area shall be 32 square feet with a maximum height of eight feet.

13-9.1 Commercial Vehicle Signage

Vehicle signs viewed from a public road with the primary purpose of providing signage not otherwise allowed by this Chapter are not permitted unless parked behind the principal building when the signage exceeds fifteen (15) square feet in sign area. Vehicle signs include those attached to or placed on a vehicle or trailer. Vehicles or trailers shall not be parked continuously in one location to be used primarily as additional signage. This does not apply to a vehicle parked at a driver's residence and is the primary means of transportation to and from his or her place of employment or vehicles commonly used for delivery or work purposes of the associated business.

13-10 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

The following regulations apply to those properties located in the A-A, A, A-2, A-3.5, B, B-2, C, and D Residential Districts. Any sign not expressly permitted by Section 13-9, Signs Permitted in All Zoning Districts and Exempt from Zoning Certificates, or by these district regulations is prohibited.

13-10.1 Temporary Signs

One (1) temporary banner sign with a commercial message shall be permitted on each lot. Such signs may have a sign face area not to exceed twenty-four (24) square feet. The maximum time that such a sign can be displayed is sixty (60) days per calendar year. The sign must be affixed to the main structure on the lot for which the sign is intended. Such signs shall not be illuminated.

13-10.2 Permanent Signs

A. One (1) non-illuminated name plate not exceeding two (2) square feet in surface display area and attached flat against a building wall shall be permitted for each individual dwelling.

B. Multi-Family Residential Uses

1. Building Signs. One wall sign not exceeding eight (8) square feet of surface area for each fifty (50) feet of building frontage shall be permitted provided that no such use may have permanent signs with total surface area exceeding thirty-two (32) square feet for each principal lot frontage.
2. Freestanding Signs. One (1) entry wall / sign is permitted at a community entrance and may not exceed fifty-six (56) square feet in area and six (6) feet in height. Any entry sign must be setback at least ten (10) feet of any public right of way or access road.

C. Single Family Residential Uses

Freestanding Signs. One (1) entry wall / sign is permitted at a community entrance and may not exceed fifty-six (56) square feet in area and six (6) feet in height. Any entry sign must be setback at least ten (10) feet of any public right of way or access road.

D. Permitted Nonresidential Uses

- 1. Freestanding Signs. Lots having at least one hundred (100) feet of frontage may have one freestanding sign not to exceed thirty-two (32) square feet of sign surface area and six (6) feet in height.
- 2. Building Signs. One building sign not exceeding thirty-two (32) square feet of sign surface area.

13-10.3 Billboards

Billboards are prohibited in Residential Districts.

13-11 SIGNS PERMITTED IN THE “O” OFFICE DISTRICT

These regulations apply to those properties located in the O Office District. Any sign not expressly permitted by Section 13-9, Signs Permitted in All Zoning Districts and Exempt from Zoning Certificates, or by these district regulations is prohibited.

13-11.1 Temporary Signs

One (1) temporary banner sign with a commercial message may be permitted on each lot when approved by the Township. Such signs may have a maximum total sign surface area of thirty-two (32) square feet. The sign may be displayed for up to sixty (60) calendar days per year. If the temporary sign is removed for more than two (2) hours, then a new temporary sign permit is required. The sign must be affixed to the main structure on the lot for which the sign is intended.

13-11.2 Free Standing Signs

- A. Freestanding signs are permitted with at least fifty (50) feet of road frontage shall be permitted one (1) freestanding sign not to exceed twenty-four (24) square feet.
- B. Permitted uses with at least 100 feet of road frontage shall be permitted one (1) freestanding sign not to exceed sixty-four (64) square feet of sign surface area.
- C. Permitted uses located on corner lots may have a second freestanding sign at a second point of ingress/ egress not to exceed twenty-four (24) square feet in sign surface area.
- D. An office/business park containing three (3) or more buildings shall be permitted one joint identification sign for each principal entrance on a public street, not exceeding two (2) faces, neither of which may exceed sixty (60) square feet of surface area and a maximum height of eight (8) feet.

13-11.3 Building Signs

For each office building one-half (.5) square foot of sign surface area shall be permitted for each foot of building frontage, measured along the primary point of access. Two signs are permitted per building up to a maximum of 100 sq./ft. total sign surface area.

13-11.4 Billboards

Billboards are permitted in the O Office District subject to the provisions in Section 13-15, Billboards (Outdoor Advertising Signs).

13-11.4 Permanent Freestanding Signs at Driveways

Small freestanding signs may be permitted at the intersection of driveways and streets if they have a maximum sign area and a maximum height of five feet. Such signs shall be set back a minimum of five feet from all rights-of-way or edge of pavement, whichever is greater.

13-12 SIGNS PERMITTED IN THE “E” RETAIL DISTRICT

The following regulations shall apply to those properties located in the E Retail District. Any sign not expressly permitted by Section 13-9, Signs Permitted in All Zoning Districts and Exempt from Zoning Certificates, or by these district regulations is prohibited.

13-12.1 Temporary Signs

One (1) temporary banner sign with a commercial message may be permitted on each lot when approved by the Township. Such signs may have a total maximum sign surface area of fifty (50) square feet. The sign may be displayed for up to sixty (60) calendar days per year. If the temporary sign is removed, then a new temporary sign permit is required. The sign must be affixed to the main structure on the lot for which the sign is intended.

13-12.2 Portable or Movable Signs

Any freestanding sign, including but not limited to "A" frame, or inverted "T" shaped structures, including those signs mounted on wheeled trailers, shall be permitted for retail uses only in accordance with the following provisions:

- A. Portable signs are permitted. Being temporary in nature, such portable signs may be permitted for a period not to exceed twenty (20) days in a calendar year per establishment.
- B. Illuminated portable signs are prohibited.
- C. No portable sign shall be located closer than one-half (1/2) the setback distance from the building setback, to the street right-of-way line.
- D. No portable sign shall exceed sixty (60) square feet in surface display area.
- E. Only one (1) portable sign shall be permitted per property.

13-12.3 Freestanding Signs

- A. Businesses having less than fifty (50) feet of lot frontage shall not have a freestanding sign.
- B. Businesses having street frontage of more than fifty (50) feet shall be permitted one (1) freestanding sign not to exceed sixty-four square feet of sign surface area.
- C. Businesses and Shopping Centers having more than fifty (50) feet of frontage and over 80,000 sq. ft. (gross) building area are permitted up to one-hundred square feet of sign surface area at a maximum height of twenty (20) feet. Businesses and shopping centers (over 80,000 gross square feet) with two (2) points of ingress and egress on to a public road with one-hundred (100) feet or more of secondary

frontage shall be permitted a second freestanding sign, not to exceed sixty-four (64) square feet) in area and eight (8) feet in height.

- D. Shopping Centers with five (5) or more stores and a gross area of 22,000 square feet or less shall be permitted one (1) freestanding sign not to exceed eighty (80) square feet in area and fifteen (15) feet in height.
- E. Shopping Centers with five (5) or more stores and a gross area between 22,001 square feet and 79,999 square feet shall be permitted one (1) freestanding sign not to exceed fifteen (15) feet in height and ninety (90) square feet in area.
- F. Except as noted above, businesses with a secondary point of access are permitted a second freestanding sign located at that point of access not to exceed thirty-two (32) square feet in sign surface area and five (5) feet in height.

13-12.4 Building Signs

- A. Any property or business shall be permitted one (1) square foot of Building Sign surface area for each one (1) foot of Building Frontage facing the public street on which the principal access is located. No more than two (2) signs per building or structure are allowed with the maximum total sign surface area not to exceed one-hundred fifty (150) square feet per building or structure.
- B. Shopping Centers consisting of three (3) or more stores shall be permitted one (1) sign per store front at a ratio of one (1) square foot of sign surface area for each foot of building frontage that faces the center parking lot or that faces any public road where the principal access is located, not to exceed one-hundred) 100 square feet for any sign.

13-12.5 Billboards

Billboards are permitted in the E Retail District subject to the provisions of Section 13-15, Billboards (Outdoor Advertising).

13-12.6 Permanent Freestanding Signs at Driveways

Small freestanding signs may be permitted at the intersection of driveways and streets if they have a maximum sign area and a maximum height of five feet. Such signs shall be set back a minimum of five feet from all rights-of-way or edge of pavement, whichever is greater.

13-13 SIGNS PERMITTED IN THE “F” LIGHT INDUSTRIAL DISTRICTS

The following regulations apply to those properties located in the F Light Industrial District. Any sign not expressly by permitted by Section 13-9, Signs Permitted in All Zoning Districts and Exempt from Zoning Certificates, or by these district regulations is prohibited.

13-13.1 Temporary Signs

One (1) temporary banner sign with a commercial message may be permitted on each lot when approved by the Township. Such signs may have a total maximum sign surface area of fifty (50) square feet. The sign may be displayed for up to sixty (60) calendar days per year. If the temporary sign is removed for more than two (2) hours, then a new temporary sign permit is required. The sign must be affixed to the main structure on the lot for which the sign is intended.

13-13.2 Freestanding Signs

- A. Establishments having less than fifty (50) feet of street frontage may not have a freestanding sign.
- B. Industries having street frontage of more than fifty (50) feet shall be permitted one (1) freestanding sign not to exceed sixty-four (64) square feet of sign surface area.
- C. Industries having more than fifty (50) feet of frontage and over 80,000 sq. ft. (gross) building area are permitted up to one-hundred (100) square feet of sign surface area at a maximum height of twenty (20) feet.

13-13.3 Building Signs

Any property or business shall be permitted one (1) square foot of building sign surface area for each one (1) foot of building frontage facing the public street on which the principal access is located, up to a maximum of two (2) building signs and a total sign surface area of one-hundred (100) square feet for all building signs.

13-13.4 Billboards

Billboards are permitted in the F Light Industrial District pursuant to the provisions of Section 13-15, Billboards (Outdoor Advertising).

13-13.5 Permanent Freestanding Signs at Driveways

Small freestanding signs may be permitted at the intersection of driveways and streets if they have a maximum sign area and a maximum height of five feet. Such signs shall be set back a minimum of five feet from all rights-of-way or edge of pavement, whichever is greater.

13-14 LOCALIZED ALTERNATIVE SIGN REGULATIONS (L.A.S.R)**13-14.1 Submission of Regulations**

A shopping center, office park, industrial park or institutional campus, such as universities or medical centers, having multiple buildings, may establish localized alternative sign regulations pertaining only to a particular center, district or campus, as an alternative to the sign regulations that would otherwise be required under this Chapter 13, Signs, if approved as a S-1 pursuant to the provisions of Chapter 18, Site Plan Review Procedures. If, and to the extent that localized alternative sign regulations are approved as a S-1, such local sign regulations shall govern. The underlying signage permitted in the specified zoning district shall serve as a guideline and limitation to the amount of signage allowed under a Localized Alternative Sign Regulation.

13-14.2 Conditions for Approval

No localized alternative sign regulations shall be approved as a S-1 unless the regulations are binding upon all real property and premises in the area (e.g., shopping center, medical center, university campus) to which the regulations are intended to apply.

13-14.3 Application Procedure

Persons desiring to obtain approval of localized alternative sign regulations pursuant to this Section shall submit proposed regulations to the Administrative Official, together with any additional material requested by the Administrative Official. The Administrative Official shall review the regulations and pursuant to the

provisions of Chapter 18, Site Plan Review Procedures, shall recommend to the Sycamore Township Zoning Commission approval, approval with modifications, or disapproval of such regulations.

13-14.4 Private Signage Agreements

Nothing in this Chapter shall prevent any persons from establishing, by deed restrictions or private agreement, sign regulations which are more stringent than those set forth in this Chapter.

13-14.5 Changes to Approved Localized Alternative Sign Regulations

Alternative localized sign regulations which have been approved as a S-1 pursuant to Chapter 18 may be amended or varied only pursuant to the procedures and standards in Chapter 18, Site Plan Review Procedures, for the original approval.

13-15 BILLBOARDS (OUTDOOR ADVERTISING SIGNS)

13-15.1 Zoning Certificate Required

Unless expressly exempted, no billboard sign shall be erected, constructed, permanently enlarged, expanded, materially altered, relocated or reconstructed unless a Sign Zoning Certificate evidencing the compliance of such sign with the provisions of this Chapter shall have first been issued by the Zoning Inspector.

13-15.2 Exemptions

The following sign-related activities shall be exempt from the provisions of this Chapter and shall not require a zoning certificate:

- A. Nonconforming. Billboards existing on or before the effective date of this Resolution shall be allowed sign face changes or message changes if the billboard contains a changeable message sign. Further modifications may be subject to the provisions of Section 13-4.3, Nonconforming or Noncomplying Sign.
- B. Routine Maintenance. Routine sign maintenance including cleaning, re-painting, replacing lamps and ballast and electrical components and changing of lettering or parts of signs designed to be regularly changed.

13-15.3 State Permit

In addition to the Sign Zoning Certificate and permits required pursuant to this Section, a state permit issued by the State Director of Transportation may also be required prior to issuance of any ~~Final Zoning Inspection Certificate~~ or Permit for outdoor advertising signs located within six-hundred and sixty feet (660) feet of streets that are part of the interstate or primary highway systems pursuant to Chapter 5516 of the Ohio Revised Code.

13-15.4 Standards for Billboards

- A. Temporary Enlargements. The use of cut-outs, extensions and embellishments is expressly prohibited.
- B. Location. No billboard shall be constructed:
 - 1. As a roof sign;
 - 2. As a double-faced, side-by-side, stacked, or decked sign with a combined sign face area of more than one-hundred fifty (150) square feet;

3. With a face area exceeding fourteen (14) feet in height x forty-eight (48) feet in length (672 square feet), excluding temporary cut-outs, extensions, and embellishments permitted as set forth herein;
4. Within one-hundred (100) feet of the right-of-way line of any street or highway; or
5. As a ground sign more than forty (40) feet above the grade of the lot or location being occupied by such sign, or the average natural grade at the sign location, if higher. In the case of a street or highway which is higher than the grade of the lot or location to be occupied by the sign, the height shall be measured from the centerline of pavement at such location, but in no event shall the height exceed forty feet above the center line of the pavement at that location.

13-15.5 General Spacing

An affidavit certifying compliance with the spacing requirements stated below must be provided by the applicant. Measurement shall be computed along the edge of pavement of the thoroughfare from which the sign is intended to be viewed beginning at a point perpendicular to the billboard and measured along the edge of pavement of all intersecting thoroughfares.

- A. Expressways and Freeways. No billboard shall be constructed within 2,600 feet of any other billboard sign located on either side of the highway (specifically I-71, I-275, Ronald Reagan Cross County Highway and other highways designated as expressways or freeways on the Thoroughfare Plan of Hamilton County) and facing the same traffic flow.
- B. Major Arterial Roadways. No billboard shall be constructed within 2,600 feet of any other billboard located on either side of the highway (Major Arterials designated on the Thoroughfare Plan of Hamilton County) and facing the same traffic flow.

13-15.6 Buffer Spacing

An affidavit certifying compliance with the spacing requirements stated below must be provided by the applicant. Measurement shall be computed along the edge of pavement of the thoroughfare from which the sign is intended to be viewed beginning at a point perpendicular to the billboard and measured along the edge of pavement of all intersecting thoroughfares.

- A. Distance from Residences. No billboard shall be located within 2,600 feet of any parcel located in any residential district or recorded residential subdivision.
- B. Distance from Special Facilities. No billboard shall be located within 1,500 feet of any park, natural preserve, scenic roadway, school, cemetery, historic site or area, hospital, retirement home or government building.
- C. Distance from Scenic and Historic Areas. No billboard shall be located within 1,500 feet of a tunnel, bridge, underpass or overpass if such structure is immediately adjacent to a Scenic Roadway or Historic Site or Area.

13-16 GROUND SIGNS IDENTIFYING FREESTANDING BUILDINGS

The specifications for the ground sign should achieve the public interest in safe movement of pedestrian and vehicular traffic, visibility, convenience, identification, community character and proper integration with the surrounding area through acceptable compliance with the following standards:

- A. Size. Will not exceed maximum of 30 sq. ft. (per side), 10 ft. length, 3ft. height.

- B. Location. Will be at least 10 feet from any right-of-way and located and designed so that it will not interfere with the circulation of pedestrian or vehicular traffic on the surrounding parking lot or the adjoining streets, alleys, or sidewalks; will be located within 36 inches of ground level or on mounds of 12 inches or less.
- C. Lighting. Will utilize enclosed lighting or an exterior lighting source of size and location which does not glare on adjacent lots, businesses, or streets.
- D. Number of Signs. Will not exceed maximum of one sign per freestanding building.

13-17 ENFORCEMENT

13-17.1 Violations

- A. Failure to Obtain Required Zoning Certificate or Permits. Any person who erects, alters or moves any sign for which a Zoning Certificate or permit is required after the effective date of this Chapter shall be deemed in violation of this Zoning Resolution subject to the procedures and penalties described in Chapter 24, Enforcement, of this Resolution.
- B. Continuing Violations. Each day that a violation continues shall be deemed a separate offense.

13-17.2 Penalties for Violations

Penalties shall be imposed pursuant to Chapter 24, Enforcement, of this Zoning Resolution.

13-17.3 Revocation of Zoning Certificate/Sign

All rights and privileges acquired under the provisions of this Chapter 13 are mere licenses, revocable by the Board of Zoning Appeals in accordance with the following procedure:

- A. Time Limit and Options. A person or entity assessed of a penalty pursuant to Chapter 24, Enforcement, must select one of the following options within thirty (30) days after receipt of the citation:

 1. Abatement of the violation and tender to the Administrative Official full payment of the civil penalty for each day that any violation continues receipt of citation; or
 2. Submit in writing to the Administrative Official a request for an administrative hearing before the Board of Zoning Appeals specifying the factual or legal issues to be contested. Timely submission of such request shall abate the imposition of any penalty.
- B. Effect of Administrative Hearing. If the alleged violator requests an administrative hearing, no further demand for payment will be made by the Administrative Official unless a final decision is made by the Board of Zoning Appeals which upholds the assessment of a penalty. An administrative hearing before the Board of Zoning Appeals shall be conducted pursuant to the Rules of Procedure for the Board.
- C. Appeal. Any person or entity who is aggrieved by a final decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Hamilton County.
- D. Fee. A fee equal to double that required by Section 20-1.3, Fee shall be charged for Zoning Certificates issued pursuant to Section 13-4, Zoning Certificate and Permits, following the location, construction, re-construction, enlargement, structural alteration or changing the sign without obtaining a zoning certificate.

CHAPTER 14 – BUFFER YARDS AND RESOURCE PROTECTION

14-1 PURPOSE

The purpose of this Chapter is to require buffering between non-compatible land uses, provide coordinated streetscapes, protect sight triangles, and to protect, preserve and promote the character and value of surrounding neighborhoods as well as, to promote the public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare by providing for the installation and maintenance of buffer areas and landscaping in accordance with the standards and requirements set forth below.

14-2 APPLICABILITY

No structure on land which abuts a right-of-way or boundary between two Land Use Classes as defined in Table 14-1, Alternatives for Boundary Buffer Type A shall be developed, or redeveloped, unless a buffer yard, if required as indicated in Table 14-2, Streetscape Buffer Alternatives for Residential Streetscape Buffers, is established in accordance with the requirements of this Chapter.

14-3 TYPES OF BUFFER YARDS

The following types of buffer yards shall be required, as applicable, in accordance with the provisions of this Chapter or other related chapter.

14-3.1 *Boundary Buffer*

The purpose of the boundary buffer is to separate adjacent land uses and screen and soften the detrimental impacts of such uses upon one another and upon the surrounding neighborhood. The boundary buffer, which is a linear area adjacent to the side and/or rear property line, may vary in width depending on site conditions and on the level of screening required for line of sight, noise suppression or other nuisance related purpose.

14-3.2 *Streetscape Buffer*

The purpose of the streetscape buffer is to shield or enhance views into the parking lot, establish coordination among diverse buildings, setbacks and uses, to define the street and access points, to retain the quality of the environment by providing appropriate vertical mass in keeping with dimensions of horizontal voids, and to diminish the presence of wires/poles. A streetscape buffer is located in a linear area adjacent to the front property line extending from ~~side lot line to side lot line~~ one property line to the opposite property line. On corner lots, streetscape buffers shall be required for all street frontages.

14-4 PLAN REVIEW

For any buffer required by this Chapter, a plan shall be submitted with the application for Zoning Certificate to the Administrative Official to review for compliance with these regulations and any other applicable regulations. The plan shall show:

- A. The topography of the site;
- B. The location of driveway entrances;
- C. Provisions for vehicular and pedestrian circulation;
- D. The location of sidewalks on or adjacent to the property;
- E. The location of utilities, barriers, shelters, and signs;

- F. The location of landscaped areas and the types, quantity, sizes and location of vegetation to be planted in the areas of existing vegetation and existing and proposed topography and
- G. Any other relevant information requested by the Administrative Official.

14-5 MODIFICATIONS AND WAIVERS

In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the extent of expansion or redevelopment of the site or parking area is deemed to be insignificant, or the presence of existing buffers on adjacent developed property would make strict adherence to the requirements of this Chapter serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer, the Sycamore Township Zoning Commission, ~~or~~ the Board of Zoning Appeals (per Section 14-5.1, Authority) or the Board of Township Trustees may, upon proper application by the property owner, and upon making findings of fact, modify and/or waive the requirements of this Chapter provided the existing or resulting boundary features of the development site comply with the spirit and intent of this Chapter, Chapter 12, Section 12-6, Landscaping for Off-Street Parking Areas, and other related Chapters.

14-5.1 Authority

The authority to approve landscape modifications resides with the Commission or Board that approves each specific type of zoning request.

14-6 GENERAL STANDARDS FOR BUFFER YARDS

14-6.1 Responsibility for Installation of Buffer

The boundary buffer area shall be provided by the person in charge of or in control of developing the property whether as owner, lessee, tenant, occupant or otherwise (hereinafter referred to as "Owner").

14-6.2 Location

Boundary buffers shall be located along the rear and side boundaries of a lot or parcel. On sloped areas the boundary buffer should be located to maximize its screening effectiveness. Streetscape buffers shall be located along the public right-of-way and may be required along private street easements.

14-6.3 Structures within Required Buffer

No structure shall be permitted within a required buffer other than a permitted freestanding sign, wall, fence or berm, or a driveway in the front yard connecting a parking area on the lot to the street or to a parking area on an abutting lot. A driveway in the side yard that connects a paving area on the lot to the street shall not encroach into the boundary buffer area.

14-6.4 Adjacent Parcels Owned by Same Owner

When both parcels are owned and being developed by the same owner, the buffer may be placed on either adjoining parcel or astride the boundary.

14-6.5 Adjacent Parcels Owned by Different Owners

When adjoining parcels have different owners the buffer shall be placed on the parcel being developed with the finished or most visually appealing side facing the neighboring property. However, a buffer that meets the requirement of both parcels may be placed astride the boundary if a written agreement, signed by both owners, is filed with the Administrative Official, is recorded in the real property records of the County and runs with the property.

14-6.6 Existing Fence, Wall Berm or Landscaping on Adjacent Parcel

When the adjoining parcel has an existing fence, wall, berm, or landscaping within ten (10) ~~feet~~ feet of a developing parcel boundary that fulfills the buffer requirements of the developing parcel, the existing landscape material on the adjacent lot may be used towards the requirement for the boundary buffer required for that boundary edge only. All credits for existing landscape material must be in accordance with Section 15-6, Credit for Existing Landscape Materials, and other related chapters. Any additional landscape material necessary to meet the boundary buffer requirements shall be added.

14-6.7 Existing Development on Both Sides

Where development already exists on both sides of a property line, a buffer shall be established as a condition of any new development. The property owner shall provide the maximum buffer possible under the standards of this Chapter given the location of existing buildings and driveways. If the width available for the buffer is less than fifty (50) percent of the minimum required buffer width, then a solid fence or wall meeting the standards of Chapter 15, Section 15-2, Standards for Use of Walls, Fences or Berms, shall be located at the side of the buffer with the finished or most visually appealing side facing the proposed development.

14-7 BOUNDARY BUFFER

To determine the type of boundary buffer required between two (2) adjacent parcels, the following procedure and standards shall be utilized:

14-7.1 Procedure

- A. Identify the Land Use Class of the Developing Parcel. Refer to Table 14-1, ~~Alternatives for Boundary Buffer Type A~~ Classification of Land Use, to determine the Land Use Class of the proposed use and intensity.
- B. Identify the Land Use Class of each Adjoining Parcel. Refer to Table 14-1, ~~Alternatives for Boundary Buffer Type A~~ Classification of Land Use, to determine the Land Use Class of the adjoining use and intensity.
- C. Determine the Boundary Buffer Requirement for each Edge of the Developing Parcel. Refer to Table 14-2, ~~Streetscape Buffer Alternatives for Residential Streetscape Buffers~~ Minimum Buffer Yards for Adjoining Land Use, and determine what the Boundary Buffer Requirement will be. Figure 14-1, ~~Alternatives for Boundary Buffer Type A~~, indicates Landscape Material Requirements for Boundary Buffer A.
- D. Determine Width of Buffer. For each Boundary Buffer, alternative widths may be utilized. The width of each buffer defines the Landscape Material Requirements. For each width range, options for Landscape Material Requirements are given as minimum number of plants and landscaped area required per one hundred (100) linear feet.
- E. Determine Length of Buffer. Measure the length of the property boundary requiring the buffer and subtract any length covered completely by a clear sight triangle under Section 14 -9, Clear Sight Distance at Street and Access Drive Intersections.
- F. Determine Landscape Material Requirements. Divide the length of the Required Boundary Buffer (the result of Section 14-7.1(e) above) by one-hundred (100). Multiply the result by the number of plants for the required boundary buffer shown in Figure 14-1, ~~Alternatives for Boundary Buffer Type A~~, for the selected width. Any fractional number of plants (shrubs and trees) should be calculated to the next highest whole number.

G. Location and Placement of Landscape Material Requirements. All landscape material requirements shall remain within the designated area and shall otherwise meet the standards of the Boundary Buffer. Although landscape material requirements typically are located within each one-hundred (100) foot increment, their placement may vary in order to screen objectionable views.





Minimum Width of Buffer	100 Linear Feet	Landscape Material Requirements ⁸	
		Canopy Trees ⁹	Shrubs ¹⁰
10 ft.		5	15
15 ft.		4.5	10
20 ft.		3	8.5
25 ft.		2	7

Figure 14- 1 - Alternatives for Boundary Buffer Type A

⁸ All landscape material required for the buffer shall be confined to within the boundary buffer.

⁹ Two (2) under story trees or two (2) evergreen trees may be substituted for 1 canopy tree for up to twenty-five percent (25%) of the required canopy trees.

¹⁰ Per staff determination - a fence, wall, or berm three (3) feet to six (6) feet. in height may be used and can substitute for shrub requirements.

Table 14- 1 – Classification of Land Use

LAND USE	LAND USE INTENSITY ¹¹ (See note below if intensity of adjoining parcel is unknown)	LAND USE CLASS	
RESIDENTIAL			
Single Family Detached and Detached in <u>PUD's Site Plan Review Developments</u>	Maximum 7.26 DU/A ¹²	LOW	I
Multi-Family	Maximum 7.26 DU/A	LOW	II
	Maximum 9.7 DU/A	MOD	II
	GREATER THAN 9.7DU/A	HIGH	III
COMMERCIAL			
Office	Maximum .50 ISR ¹³	LOW	II
	Maximum .65 ISR	MOD	III
	GREATER THAN .65 ISR	HIGH	IV
Retail Business (Sales and Service)	Maximum .50 ISR	LOW	III
	Maximum .65 ISR	MOD	III
	GREATER THAN .65 ISR	HIGH	IV
INDUSTRIAL			
Light Industry	Maximum .50 ISR	LOW	III
	Maximum .65 ISR	MOD	IV
	GREATER THAN .65 ISR	HIGH	IV
INSTITUTIONAL; PUBLIC SERVICE; AND RECREATION, CULTURE & ENTERTAINMENT			
	Maximum .50 ISR	LOW	II
	Maximum .65 ISR	MOD	III
	GREATER THAN .65 ISR	HIGH	IV
AGRICULTURAL			
Rural		LOW	I
Suburban		LOW	I

¹¹ The land use class of a developed adjoining parcel shall be classified as low intensity if the impervious surface (ISR) is not known.

The land use class of a vacant adjoining parcel shall be classified as low intensity for the use typically permitted in the existing zone district.

¹² DU/A represents Dwelling Units per Acre

¹³ ISR represents Impervious Surface Ratio

Table 14- 2 - Minimum Buffer Yards for Adjoining Land Use¹⁴

LAND USE CLASS OF DEVELOPMENT PARCEL	LAND USE CLASS OF ADJOINING PARCEL				
	I	II	III	IV	Adjoining R.O.W.
I	A ^{15, 16}	A	A	A	C ^{17, 18}
II	A	A	A	A	C
III	A + 10 ft.	A	A	A	C
IV ¹⁹	A + 40 ft.	A + 30 ft.	A + 20 ft.	A	C

14-7.2 Overlap

When any portion of the parcel is subject to more than one set of landscape requirements as set forth in this Chapter, Chapter 12, Off-Street Parking Areas and Loading, and other related chapters, the most stringent requirement will control. The most stringent requirements shall be defined as those which require the highest fence, wall or screen or, if no fence, wall or screen is required, the requirements with the greatest quantity of landscaping.

14-7.3 Credit

Existing vegetation, fences, walls or berms on a parcel may be counted toward the requirements for any class of buffer provided that it meets the standards established in Chapter 15, Section 15-6, Credit for Existing Landscape Materials.

14-8 STREETScape BUFFER

All parcels with Land Use Classes II through IV, as defined in Table 14-1, ~~Alternatives for Boundary Buffer Type~~ Classification of Land Use, with frontage on a public road and all parking areas in Class I for five (5) or more vehicles (in all Land Use Classes) within fifty (50) feet of the right-of-way shall provide a streetscape buffer along the property line abutting the right-of-way of the public road when developed or redeveloped.

14-8.1 General Standards

- A. Location and Depth. The streetscape buffer shall have a minimum depth of ten (10) feet or greater, shall be located adjacent to the right-of-way and shall extend along the entire road frontage.
- B. Parking Prohibited. No parking or pavement shall be allowed in the streetscape buffer except for intersecting drives or required walkways.
- C. Specifications. Landscape Material shall be required in accordance with Figure 14-2 – 14-4, Streetscape Buffer Alternatives ~~for Office/Industrial Streetscape Buffers~~, and Chapter 15, General Landscape Material Standards.

¹⁴ Greater boundary buffers may be required in approvals of Conditional Uses and PUD's Site Plan Developments when necessary to protect adjacent land uses.

¹⁵ Boundary buffer not required on adjoining single family residential parcels.

¹⁶ Boundary buffer requirements in Figure 14-1.

¹⁷ Only required in Land Use Class I if parking area for five (5) or more vehicles is within fifty (50) feet of the R.O.W.

¹⁸ Streetscape buffer requirements in Figure 14-3

¹⁹ Each ten (10) feet increment required in Land Use Class IV ~~and Land Use Class V~~ can be substituted by an additional contiguous "A" Buffer strip.

- D. Sight Triangle. When in a sight triangle, all Landscape Material shall meet the standards set forth in Section 14-9, Clear Sight Distance at Street and Access Drive Intersections.

14-8.2 Determination of Streetscape Buffer Requirements

To determine the required landscape materials the following procedure shall be followed:

- A. Determine Width of Buffer. Although the width of the buffer is typically measured parallel to the property line, design variations are allowed. The width of each streetscape buffer defines the landscape material requirements and, for each width range, options for landscape material requirements are given as minimum number of plants required per one-hundred (100) linear feet.
- B. Determine Length of Buffer. Measure the length along the street right-of-way, which requires the buffer, and subtract any length covered by a clear sight triangle under Section 14-9, Clear Sight Distance at Street and Access Drive Intersections.
- C. Determine Landscape Material Requirements. Divide the length of the required streetscape buffer (the result of Section 14-8.2 (B) above) by one-hundred (100). Multiply the result by the number of plants for the required streetscape buffer shown in Figure ~~14-3~~14-2 – 14-4, Streetscape Buffer Alternatives ~~for Office/Industrial Streetscape Buffers~~, for the selected width and type of use. Any fractional number of plants (shrubs and trees) should be calculated to the next highest whole number.
- D. Location and Placement of Landscape Material Requirements. All landscape material requirements shall remain within the streetscape buffer area or in the off-street parking area where such area abuts the streetscape strip and shall otherwise meet the standards of the streetscape buffer. Although landscape material requirements typically are located within each one-hundred (100) foot increment, their placement may vary in order to screen objectionable views.




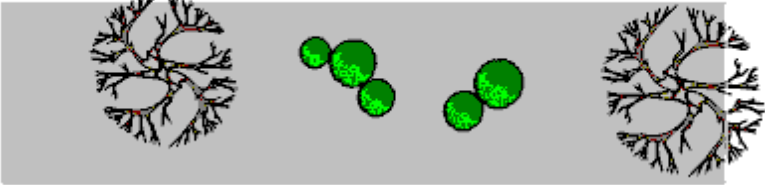
Minimum width of buffer ²⁰	100 Linear Feet	Landscape Material Requirements ²¹	
		Canopy Trees ²²	Shrubs ²³
10 ft.		3-34	10
15 ft.		2-83	8
20 ft.		2-32	6-57
25 ft.		1-92	5

Figure 14- 2 - Streetscape Buffer Alternatives for Residential Streetscape Buffers

²⁰ All landscape material required for the buffer shall be confined to within the required landscape strip.

²¹ 1.5 under story trees or one (1) evergreen tree may be substituted for one (1) canopy tree for up to fifty percent (50%) of the required canopy trees.

²² One (1) canopy tree may substitute for three (3) shrubs up to fifty percent (50%) of the shrub requirements.

²³ A fence, wall, or berm three (3) feet to six (6) feet. in height may be used and can substitute for shrub requirements.



Minimum width of buffer ²⁴	100 Linear Feet ²⁵	Landscape Material Requirements	
		Canopy Trees	Shrubs ²⁶
OPTION 1 10 ft.		2-53	20
OPTION 2 20 ft. Average (range 10 to 30 ft.)		5 (or existing woodland area)	None

Figure 14- 3 - Streetscape Buffer Alternatives for Office/Industrial Streetscape Buffers



Minimum width of buffer ²⁴	100 Linear Feet ²⁵	Landscape Material Requirements	
		Canopy Trees	Shrubs ²⁶
OPTION 1 10 ft.		1-52	20
OPTION 2 20 ft. Average (range 10 to 30 ft.)		2-53 (or existing woodland area)	

Figure 14- 4 - Streetscape Buffer Alternatives for Retail Streetscape Buffers

²⁴ All landscape material required for the buffer shall be confined to within the required landscape strip.

²⁵ Berms shall be a minimum three (3) feet height.

²⁶ A fence or wall three (3) feet to four (4) feet in height with fifty percent (50%) or less of its surface open or a minimum three (3) feet grade drop from the right-of-way to the off-street parking area may be used and can be substituted for fifty percent (50%) of the shrub requirements.

14-9 CLEAR SIGHT DISTANCE AT STREET AND ACCESS DRIVE INTERSECTIONS

14-9.1 Purpose

To insure that landscape materials do not constitute a driving hazard, a "clear sight triangle" will be observed at all street and access drive intersections.

14-9.2 Definition

A clear sight triangle is the triangular area formed by a diagonal line connecting two (2) points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being twenty (20) feet from the intersecting lines. See Figure 14-5, Clear Sight Triangle.

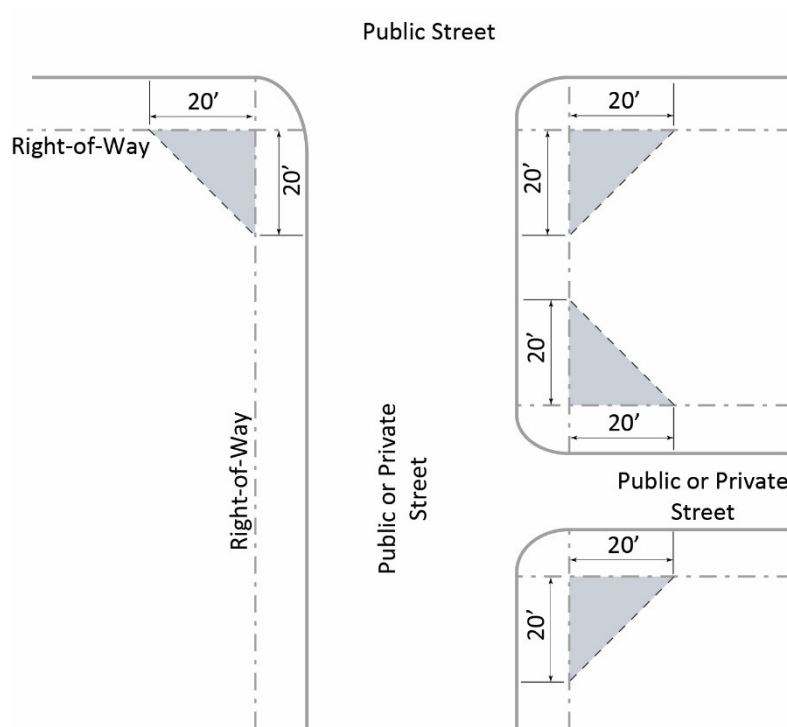


Figure 14- 5 - Clear Sight Triangle

14-9.3 Design

The entire area of the clear sight triangle should be designed as illustrated in Figure 14-5, Clear Sight Triangle, to provide the driver of the vehicle entering the intersection with an unobstructed view to all points nine (9) feet above the roadway along the centerline. The recommended distance depends upon the design speed of the higher-order street and therefore is greater for arterial streets than for collectors.

14-9.4 Restrictions within Clear Sight Triangles

- A. Within the sight triangle, no landscape material with a mature height greater than twelve (12) inches shall be permitted with the exception of trees which conform to the following standards. Trees shall be permitted within the sight triangles as long as, except during early growth stages, only the tree trunk (no limbs, leaves, etc.) is visible between the ground and nine (9) feet above the ground, or otherwise does not present a traffic visibility hazard. Restrictions shall not apply to the following:
 - 1. Existing natural grades which, by reason of natural topography, rise twelve (12) or more inches above the level of the center of the adjacent intersection;
 - 2. Fire hydrants, public utility poles, street markers, governmental signs, and traffic control devices.
- B. The restrictions contained in this Section shall also apply to any areas outside the clear sight distance triangle that fall within the sight distance requirements of the County Engineer.

14-10 WOODLAND PRESERVATION

To be eligible for landscape requirement credits the following criteria must be met:

14-10.1 Quantity of Woodland

The minimum amount of woodland preserved shall be one-eighth of an acre (5,445 sq. ft.). The woodland canopy shall be contiguous and fifty percent (50%) of the canopy shall be from trees that have an eighteen (18) inch diameter breast height (DBH) or greater at 4½ feet above the finished grade.

14-10.2 Location

Any woodland area eligible for credit must be located within one-hundred (100) feet of the principal building or impervious surface that directly serves the principal use on the site and physically located within a required buffer area.

14-10.3 Credit

If the above conditions are met, credit may be granted as follows:

- A. Landscape Reduction Bonus. The landscape requirements, specified in this and other related Chapters that are applicable to the site may be reduced or eliminated upon the determination by the Administrative Official that the Woodland Preservation area amenities fully compensate for the reduced or eliminated landscape requirements.
- B. Parking Reduction Bonus. The Sycamore Township Zoning Commission may approve a reduction of up to ten percent (10%) of the required number of parking spaces if adequate parking will remain on the subject site and if land area for required number of spaces remains available for future development on the subject site.
- C. Intensity Reduction Bonus. The Sycamore Township Zoning Commission may approve an increase in the intensity (maximum ISR) up to ten percent (10%) of the district limits for any use permissible ~~as a~~ PUD under Site Plan Development review.

14-11 RIPARIAN BUFFER AREA

The purpose of the Riparian Buffer Area is to retain existing forested areas along streams and rivers in order to reduce erosion and pollution, preserve stability of channels, retard runoff, maintain suitable water temperature for aquatic life, to maintain scenic integrity and provide a natural environment that benefits people and wildlife.

14-11.1 Buffer Requirements

- A. A minimum one-hundred and twenty (120) foot wide forested buffer strip shall be maintained along all streams and rivers designated as part of the State Scenic Rivers System and along related bikeways.
- B. A minimum fifty (50) foot wide forested buffer strip shall be maintained along all streams and rivers not included in the State Scenic Rivers System and along related bikeways.

14-11.2 Credit

In consideration of compliance with buffer requirements, the Sycamore Township Zoning Commission may, upon proper application through the Administrative Official, reduce or eliminate the landscape requirements specified in Chapter 12, Off-Street Parking Areas and Loading, ~~Chapter 14~~[Section 14-9](#), Clear Sight Distance [at Street](#) and Access Drive Intersections, and other related Chapters.

CHAPTER 15 – GENERAL LANDSCAPE MATERIAL STANDARDS

15-1 PURPOSE

The purpose of this Chapter is to assure that, in conjunction with the purposes of Chapter 12, Off-Street Parking Areas and Loading, ~~Chapter Section 14-9~~, Clear Sight Distance at Street and Access Drive Intersections, and other related chapters all landscape requirements of this Resolution are effectively achieved with high quality landscape elements and to provide flexibility and incentives to retain existing landscape material elements where appropriate.

15-2 STANDARDS FOR USE OF WALLS, FENCES OR BERMS

Whenever a landscape material requirement in Chapter 12, Off-Street Parking Areas and Loading, ~~Chapter Section 14-9~~, Clear Sight Distance at Street and Access Drive Intersections, and other related Chapters, includes a wall, fence or berm, such wall, fence or berm shall meet the following requirements:

15-2.1 Walls

Any wall shall be constructed of weather-resistant material and be durable, in brick, stone or other approved masonry materials, with a maximum of fifty percent (50%) ~~or less of the wall surface left open~~ open ~~capacity~~.

15-2.2 Fences

- A. Any fence shall be constructed of weather-resistant materials and be durable, of wood, premanufactured PVC fencing, metal or wrought iron.
- B. Fence posts shall be structurally stable.
- C. The finished side of the fence shall face out from the developing property and shall face the adjacent property or street.
- D. Chain link fencing may not be used to meet the requirements of Chapter 12, Off-Street Parking Areas and Loading, Chapter 14, Clear Sight Distance and Access Drive Intersections, and other related chapters.
- E. All latches, hinges and other hardware shall be galvanized or painted to prevent or retard rust and degradation.
- F. Fences may not contain an electric charge or utilize barbed wire or razor wire unless approved by the Board of Zoning Appeals.

15-2.3 Berms

Berms shall be physical barriers made of earth which block or screen the view similar to a hedge, fence, or wall. In no event shall a berm have a slope of greater than 3:1 (three feet of horizontal distance for each one foot rise in elevation). Any berm shall be stabilized to prevent erosion immediately after its construction and shall be landscaped within the next planting season in accordance with the landscaping requirements in Chapter 12, Off-Street Parking Areas and Loading, ~~Chapter Section 14-9~~, Clear Sight Distance at Street and Access Drive Intersections, and other related chapters.

15-2.4 Relationship of Plant Material with Wall or Fence

- A. Where a wall or fence which is fifty percent (50%) or less open is used as part of a landscaping requirement, all of the required plantings accompanying the wall or fence shall be located between the wall or fence and the adjacent property.
- B. Where a fence is fifty percent (50%) or more open, as in a wrought iron type fence, the shrub requirement shall be increased by twenty-five percent (25%) (multiply the required quantity by 1.25).
- C. When a fence is fifty percent (50%) or more open, the required plantings accompanying the fence may be located on either side of the fence provided that at least 50% (by quantity) of the shrub requirement is on the street side or the side of the adjacent property of less intensity. Trees may be placed on either side of the fence. [See Section 10-7, Fences and Walls, for additional standards.](#)

15-3 PLANT INSTALLATION STANDARDS

The following standards shall apply to all new plant material installed as part of a buffer required under the provisions of Chapter 12, Off-Street Parking Areas and Loading, [Chapter-Section 14-9](#), Clear Sight Distance and Access Drive Intersections, and other related chapters.

15-3.1 Species of Plant Material

To meet the requirements of Chapter 12, Off-Street Parking Areas and Loading, [Chapter-Section 14-9](#), Clear Sight Distance [at Street](#) and Access Drive Intersections, and other related chapters, plants shall be species listed in the [Appendix 2-1](#) entitled, Recommended Plant Material List or shall be otherwise approved as appropriate for this region by a licensed Landscape Architect or Certified Horticulturist.

15-3.2 Quality and Installation

- A. All specifications for the quality and installation of trees and shrubs shall be in accordance with the most recent edition of "American Standards for Nursery Stock" published by the American Association of Nurserymen.
- B. All plant material shall be free from disease and damage.
- C. All plant material shall be planted in a manner that is not intrusive to utilities, pavement, pedestrian traffic or vehicular traffic.
- D. All required plant material shall be planted within one year or by the next planting season, as outlined in the latest edition of "American Standards for Nursery Stock", after all construction activity in the area of the new planting has ceased.

15-3.3 Size

- A. Canopy Trees shall be deciduous trees with a minimum of twelve (12) feet overall height or a minimum caliper of two and one half (2½) inches when installed, and have an expected height of at least thirty-five (35) feet at maturity.
- B. Evergreen Trees shall be a minimum of five (5) feet in height when installed.
- C. Under story Trees shall be a minimum of five (5) feet in height in clump form or one and one-half (1½) inch caliper in single stem form when installed.
- D. Shrubs shall be at least eighteen (18) inches in height or twenty-four (24) inches in spread when installed.

15-4 SCREENS

The objective of providing a screen is to visually hide whatever is behind the screen. The screen shall be one-hundred percent (100%) opaque. The following standards for each screening material shall be required:

15-4.1 Plant Material Height Requirements

When plant material is used as screening it shall meet all height requirements in accordance with Chapter 12, Off-Street Parking Areas and Loading, [Chapter-Section 14-9](#), Clear Sight Distance and Access Drive Intersections. Height requirements will be considered met when plants are selected whose height at maturity meet the required height as indicated on the list in the Appendix [2-1 titled](#), Recommended Plant Material List, or as certified by a licensed Landscape Architect or Certified Horticulturist.

15-4.2 Planting Requirements

To be counted towards screening requirements, evergreen trees and evergreen shrubs shall be planted close enough to fulfill the objective as defined in Section 15-4, Screens. Recommended spacing to achieve this is as follows:

- A. Spreading evergreen trees should be planted eight (8) feet on center. Narrow evergreen trees should be planted four (4) feet on center. Designation of evergreen trees as spreading or narrow shall be certified by a licensed Landscape Architect or certified Horticulturist.
- B. Evergreen shrubs should be planted at a maximum of four (4) feet on center.

15-4.3 Combination of Materials

Plant material may be used in conjunction with fences, walls and berms but the overall effect shall be a continuous one-hundred (100%) opaque screen at maturity. Plants may be planted in rows or be staggered, but the overall effect shall be a one-hundred (100%) opaque screen.

15-4.4 Approved Plant List

Plant materials used shall be on the list in Appendix [2-1, Recommended Plant Material List](#), or shall be equivalent to plants on the list as certified by a licensed Landscape Architect or certified Horticulturist.

15-5 MAINTENANCE RESPONSIBILITIES FOR ALL LANDSCAPE MATERIALS

All landscape material must be properly maintained in order for the buffer or screen to fulfill its purpose. The owner of the property and any tenant on the property where required landscaping is located shall be jointly and severally responsible for the maintenance of all landscape materials. Such maintenance shall include all actions necessary to keep plantings healthy and orderly in appearance and to keep walls, fences and berms in good repair and neat appearance.

Any landscape material which fails to meet the minimum requirements of this Section at the time of installation shall be removed and replaced with acceptable materials. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first. All buffer materials shall be protected from damage by motor vehicles or pedestrians, which could reduce the effectiveness of the buffer.

15-6 CREDIT FOR EXISTING LANDSCAPE MATERIALS

The intent of this Section is to provide for the opportunity to protect and preserve existing woodlands and established plant material.

15-6.1 Trees

Credit may be given for existing Canopy Trees, Evergreen Trees and Understory Trees as follows:

- A. Existing healthy trees may be preserved and used to fulfill landscape requirements for any required planting provided they are in accordance with the standards set forth in this Chapter and in Chapter 12, Off-Street Parking Areas and Loading, [Chapter-Section 14-9](#), Clear Sight Distance and Access Drive Intersections, and other related chapters.
- B. Trees may be credited only one (1) time towards any one (1) buffer, screen or other landscape requirements set forth in this Chapter and in Chapter 12, Off-Street Parking Areas and Loading, [Chapter Section 14-9](#), Clear Sight Distance and Access Drive Intersections, and other related chapters. Trees must be located within the required landscape area to which it will be credited.
- C. Trees which conform to these standards and are proposed to be used for credit shall generally have location, species, and caliper or height indicated on the required landscape plan.
- D. Trees shall be credited according to the following criteria in the quantities shown:

Table 15- 1 - Tree Credit [and Replacement](#) Requirement

Minimum Caliper	Minimum Surrounding Landscape Area	Minimum width of Landscape area	Number of Trees Credited
36" or greater	350 sf	15 ft.	7
26 - 36"	300 sf	15 ft.	5
13 - 25"	250 sf	10 ft.	3
4 - 12"	150 sf	5 ft.	2
2 - 3½"	100 sf	5 ft.	1

- E. To be credited, a tree must have the minimum landscape area surrounding the tree according to Section 15-6.1 D. above or the area of the drip line of the tree, whichever is greater. The surrounding landscape area required for each credited tree may overlap the surrounding landscape area required by other existing trees to be credited by fifty percent (50%) of the required area. The surrounding landscape area shall be undisturbed land.
- F. If any preserved tree dies, one (1) tree shall be replaced for each tree credited against such a preserved tree. The required landscape plan shall indicate the quantities of trees credited and the location of the surrounding landscape area for each tree credited.

15-6.2 Shrubs

Shrubs may be credited on a one (1) to one (1) basis towards landscape material requirements if the following criteria are met:

- A. Existing healthy shrubs may be used to fulfill landscape requirements for any required planting provided they conform to the standards set forth in this Chapter and in Chapter 12, Off-Street Parking Areas and Loading, [Chapter-Section 14-9](#), Clear Sight Distance and Access Drive Intersections, and other related Chapters.

- B. Shrubs may be credited only one (1) time towards any one buffer, screen or other landscape requirement. Shrubs must be located within the required area for the buffer or screen to which it will be credited.
- C. Shrubs which conform to these standards and are proposed to be used for credit shall have location, species, and height indicated on the required landscape plan.
- D. If any shrub used for credit dies, one (1) shrub shall be replaced for each shrub credited to that shrub.

15-6.3 Protection during Construction

If trees or shrubs are to be credited towards landscaping requirements they shall be protected during all phases of construction as follows:

- A. Prior to any site demolition, or grading, barriers shall be constructed around existing trees and shrubs to be preserved.
 - 1. Barriers around trees to be preserved shall include the minimum of surrounding landscape area as required by Section 15-6.1(d), Trees, or the area under the drip line of the tree whichever is greater.
 - 2. Barriers around shrubs to be preserved shall include the area within three (3) feet of the shrub mass.
 - 3. When large machinery is to be used on the site, these barriers shall be sturdy fences or a similar barrier and shall be made more visible by high visibility orange paint or construction flagging. When large machinery is not to be on site, high visibility construction flagging or similar device shall clearly delineate the protected area.
- B. The following activities are prohibited during demolition and construction under tree canopies and within any areas enclosed by protective fencing as required by this Section:
 - 1. Placing backfill or storing material;
 - 2. Construction equipment;
 - 3. Changing site grades within the drip line of trees or within three (3) feet of shrubs or changing site grades so that drainage flows into or collects near protected trees or shrubs;
 - 4. All other construction activity not previously mentioned.

15-6.4 Credit for Fences, Walls, and Berms

- A. Fences, walls, and berms may be credited towards fulfilling any landscape material requirements provided they conform to the standards set forth in this Chapter and Chapter 12, Off-Street Parking Areas and Loading, [Chapter Section 14-9](#), Clear Sight Distance and Access Drive Intersections, and other related chapters.
- B. All fences, walls and berms may be credited only one (1) time towards any one buffer or screen requirement. All such fences, walls and berms must be located within the required area for the buffer or screen to which it will be credited.

CHAPTER 16 – AMENDMENTS

16-1 PURPOSE

The purpose of this Chapter is to provide standards and procedures for making amendments to the text of this Zoning Resolution and the Zoning Map. The amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments of general significance or application that are necessary in light of changed conditions or changes in public policy.

16-2 AUTHORITY

The text of this Zoning Resolution and the Zoning Map may be amended from time to time by the passage of a Resolution duly adopted by the Board of Township Trustees in accordance with the procedures set forth in this Chapter.

16-3 PARTIES ENTITLED TO INITIATE AMENDMENTS

An amendment to the text of the Zoning Resolution or to the Zoning Map may be initiated by:

- A. A motion of the Sycamore Township Zoning Commission;
- B. By passage of a resolution by the Board of Township Trustees that is certified by the Board to the Sycamore Township Zoning Commission; or
- C. By the filing of an application with the Sycamore Township Zoning Commission by one or more of the owners or lessees of property located within the area proposed to be changed or affected by the proposed amendment.
- D. Specific Plan Districts may be initiated only by the filing of an application with the Sycamore Township Zoning Commission by the owner of the property proposed to be changed by the proposed amendment.

16-4 STANDARDS FOR AMENDMENTS

The decision of the Board of Township Trustees to amend the text of the Zoning Resolution or to amend the Zoning Map is within the sound legislative discretion of the Board. As a part of the review by the Board, for any amendment to the text of the Zoning Resolution or to the Zoning Map, the following factors, where applicable, should be considered:

- A. The recommendations of the professional planning and zoning staff of Sycamore Township, and the Zoning Commission.
- B. The reports submitted by reviewing governmental agencies.
- C. The comments received at the public hearing concerning the proposed amendment.
- D. The relationship to the public health, safety, morals and general welfare.
- E. Compatibility with the goals and objectives, if any, of adopted plans for land use, transportation, utilities, community facilities and other plan elements and with adopted objectives and policies related to land use.
- F. The economic viability of the proposed district.
- G. The location of the subject property and the compatibility of the proposed use with the character of the area.
- H. The existing and proposed site features of the subject property.

16-5 REVIEW PROCEDURE FOR AMENDMENTS – PUBLIC MEETINGS AND HEARINGS REQUIRED

16-5.1 Public Prehearing Conference

- A. Purpose and Scope. The prehearing conference and open house is required prior to the filing of an application. The conference is intended to help minimize development planning costs, avoid misinterpretation, facilitate effective and timely public information and input through study, discussion, communication, comments and findings from interested parties, assure awareness of local plans and issues and determine the potential for full compliance with all requirements for zoning amendments.
- B. Procedure. A prehearing conference and open house shall be scheduled and conducted by the Administrative Official within fourteen (14) working days following receipt of the request for a conference.
- C. Notice. Notice of prehearing conferences shall be transmitted by the Administrative Official to the applicant, township trustees, applicable departments and agencies adjoining property owners and other affected parties at least ten (10) days prior to the conference.

16-5.2 Application

An applicant for a zone amendment shall file an application on a form or forms provided by the Administrative Official. The application is not considered officially submitted until the Administrative Official has reviewed the submission for technical completeness.

16-5.3 Schedule of the Sycamore Township Zoning Commission Meeting and Zoning Commission Hearing

Within five (5) days after the adoption of a motion by the Sycamore Township Zoning Commission, certification of Resolution by the Board of Township Trustees or the acceptance of an application determined to be complete pursuant to Chapter 20, Zoning Certificates, General Application Procedures and Fee, the Sycamore Township Zoning Commission shall:

- A. Transmit a copy, together with the related text and map changes, to the Hamilton County Regional Planning Commission.
- B. Set a date for a public hearing not less than twenty (20) but not more than forty (40) days from the date of initiation of the amendment by motion, certification or the filing of an application and provide notice of such hearing pursuant to Section 16-76, Notice Requirements for Public Hearings.

16-5.4 Staff ~~Recommendation~~ Report

Within thirty (30) days of the acceptance of any application for development approval determined to be complete pursuant to Chapter 20, Zoning Certificates, General Application Procedures and Fee, the Administrative Official ~~shall~~ may forward a written advisory staff report to the Sycamore Township Zoning Commission recommending approval, approval with conditions, or disapproval. If an advisory report is drafted, The advisory staff the report shall include:

- A. A summary of comments and concerns of applicable departments, agencies and officials;
- B. The standards and criteria used in evaluating the application pursuant to Section 16-4, Standards for Amendments;
- C. The reasons for the recommendation;
- D. The actions or modifications, if any, that may be necessary to obtain approval in accordance with regulations and adopted community plans.

16-5.5 Sycamore Township Zoning Commission Recommendation

The Sycamore Township Zoning Commission shall, within thirty (30) days after their public hearing recommend the approval or denial of the proposed amendment, or the approval of some modification of the amendment pursuant to the standards in Section 16-4, Standards for Amendments. The Sycamore Township Zoning Commission shall then submit its recommendation together with the proposed text and map changes to the Board of Township Trustees.

16-5.6 Board of Township Trustees Action

- A. Schedule of Hearing. Upon receipt of the recommendation from the Sycamore Township Zoning Commission, the Board of Township Trustees shall hold a public hearing within thirty (30) days in accordance with the procedures outlined in Section 16-76, Notice Requirements for Public Hearings.
- B. Decision. Within twenty (20) days after the public hearing, the Board shall either adopt or deny the recommendation of the Sycamore Township Zoning Commission or adopt some modification of the recommendation by the Sycamore Township Zoning Commission. In making its decision, the Board shall consider the factors contained in Section 16-4, Standards for Amendments. In the event the Board denies or modifies the recommendation of the Sycamore Township Zoning Commission, the unanimous vote of the Board shall be required.
- C. Effective Date. An amendment adopted by the Board of Township Trustees shall become effective in thirty (30) days after the date of adoption unless within that time period a petition for zoning referendum is presented in accordance with the requirements of the Ohio Revised Code and Section 16-6.1, Petition Time Limit (Referendum).
- D. Requirements. See Appendix 4 for form requirements.

~~16-6 REFERENDUM~~**~~16-6.1 Petition Time Limit~~**

~~Within thirty (30) days after the date of adoption of an amendment by the Board, a petition may be presented to the Board of Township Trustees requesting that the Board submit the amendment to the electors of that area, for approval or rejection, at a special election to be held on the day of the next primary or general election.~~

~~16-6.2 Petition Signatures~~

~~The petition must be signed by the number of qualified voters residing in the township or part thereof included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which the governor was elected.~~

~~16-6.3 Petition Content~~

~~Each part of the petition for zoning referendum shall contain the number and full and correct title, if any, of the zoning amendment resolution, motion or application, as the case may be, furnishing the name by which the amendment proposal is known and a brief summary of its contents. Each petition and Statement of the Circulator shall, in addition, conform to the rules specified in Section 3501.38 of the Ohio Revised Code as shown in Appendix 4.~~

~~16.6.4~~ — *Effect of Referendum*

~~No amendment for which a 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 effect immediately.~~

16-76 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS

An amendment to the text of the Zoning Resolution or to the Zoning Map, initiated by any one of the three methods described in Section 16-3, Parties Entitled to Initiate Amendments, shall require notification of required public hearings in accordance with the following procedures.

16-76.1 *Published Notice*

Notice of the public hearing shall be given by the Sycamore Township Zoning Commission or Board of Township Trustees, as the case may be, by one publication in one or more newspapers of general circulation in Sycamore Township at least ten (10) days before the date of the hearing.

16-76.2 *Mailed Notice*

The Sycamore Township Zoning Commission or the Township Trustees, as the case may be, shall provide notice for map and text amendments according to the following situations. When the proposed zone map amendment involves the rezoning or redistricting of ten (10) or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed at least ten (10) days before the date of the public hearing. That notice shall be mailed to all owners of property within, contiguous to, directly across from, and within two hundred (200) feet of the area proposed to be rezoned or redistricted. When the proposed zone map amendment involves the rezoning or redistricting of more than ten (10) parcels of land as listed on the county auditor's current tax list, or when a text amendment is proposed, the Sycamore Township Zoning Commission shall determine on a case-by-case basis the extent and method to which additional notice is necessary beyond general notice as required in Section ~~16-76.1~~, Published Notice.

16-76.3 *Content of Published and Mailed Notices*

Published and mailed notices shall contain the time, date, and place of the public hearing. In addition, they shall include all of the following information:

- A. A statement indicating that the motion, resolution, or application is an amendment to the Zoning Resolution;
- B. The nature of the proposed amendment;
- C. The current and proposed zoning classification of the property named in the proposed amendment;
- D. 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 (10) days prior to the public hearing;
- E. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;

A statement that after the conclusion of the hearing the matter will be submitted to the Board of Township Trustees for its action.

CHAPTER 17 – CONDITIONAL USES

17-1 PURPOSE

Conditional uses are those uses having some special impact or uniqueness which require a careful review of their location, design, configuration and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses which may or may not be appropriate in a particular location depending on a weighing, in each case, of the public benefit against the local impact, the amelioration of any adverse impacts through special site planning, and development techniques and contributions to the provision of public improvements and rights-of-way.

17-2 AUTHORITY

The Board of Zoning Appeals (BZA) may, in accordance with the procedures and standards set out in this Chapter, and other regulations applicable to the district in which the subject property is located, approve by resolution those uses listed as conditional uses in ~~the Table in Section 17-12, Authority (Conditional Uses)~~ 17-2, Conditional Uses, in the Table of Permissible Uses in Chapter 3, Districts and Zoning Map, or in any other part of this Resolution.

17-3 EFFECT OF CONDITIONAL USE LISTING

17-3.1 *Compliance with Zoning Requirements*

The listing of a conditional use in ~~the Table in Section 17-12, Authority (Conditional Uses)~~ 17-2, Conditional Uses, in a Table of Permissible Uses in Chapter 3, Districts and Zoning Map, or in any other part of this Resolution does not constitute an assurance or presumption that such conditional use will be approved except as provided in Section 17-3.2, Effect of Conditional Use Listing Compliance with Other Requirements. Rather, each proposed conditional use shall be evaluated by the Board of Zoning Appeals on an individual basis. This shall be done in relation to its compliance with the standards and conditions set forth in this Chapter and with the standards for the district in which it is located, in order to determine whether approval of the conditional use is appropriate at the particular location and in the particular manner proposed.

17-3.2 *Compliance with Other Requirements*

Nothing in this Chapter shall be deemed to prohibit or unreasonably limit any use guaranteed by state or federal law. However, reasonable conditions may be required by the BZA in order to satisfy the purposes as outlined in Section 17-1, Purpose (Conditional Uses).

17-4 REVIEW PROCEDURE FOR CONDITIONAL USE APPLICATIONS

17-4.1 *Applicant*

An application for a Conditional Use Zoning Certificate may be filed with the BZA by the owner, lessee, or other person having a legal or equitable interest in the subject property.

17-4.2 *Application*

An applicant for a conditional use shall file a plan and an application on forms provided by the Administrative Official. The plan for the use and development of the tract shall demonstrate that the general and specific criteria have been met.

17-4.3 Scheduling of Hearing and Transmittal of Application

Within five (5) days after filing of an application determined to be complete pursuant to Chapter 20, Zoning Certificates, General Application Procedures and Fees, the Administrative Official shall:

- A. Set a date for a public hearing not less than ~~thirty (30)~~ twenty (20) nor more than ~~sixty-two (62)~~ forty (40) days after filing of a complete application.
- B. Transmit a copy of the application and plan, together with the date of the scheduled hearing, to the ~~Township Zoning Commission~~ BZA for staff review and recommendation.

17-4.4 Staff Report

Within twenty (20) days after the filing of a complete application, the Administrative Official shall prepare and transmit to the BZA a written report incorporating or summarizing comments of other departments, agencies, and officials. ~~A recommendation shall be included, setting forth whether the application for a conditional use should be approved, approved with modifications, or denied and reasons for such recommendation.~~

17-4.5 Notice and Hearing

The BZA shall hold a public hearing in accordance with the adopted Procedures, Rules and Regulations of the BZA. Notice of the hearing shall be given at least ten (10) days before the hearing by notice in writing sent by the Administrative Official to:

- A. The applicant;
- B. The owners within two hundred (200) feet in all directions.
- C. Notice shall also be published in one or more newspapers of general circulation in the Township.

Upon the hearing, any party may appear in person or by attorney.

17-4.6 Decision

Within ~~twenty-one (21)~~ thirty (30) days after the close of the public hearing, the BZA shall:

- A. Approve the conditional use;
- B. Approve the conditional use subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or
- C. Disapprove the conditional use.

17-4.7 Notification of Decision

Following the decision of the BZA, ~~that the~~ BZA shall return to the applicant one copy of the resolution and submitted plans permanently marked to show either:

- A. Approval of the conditional use;
- B. Approval of the conditional use subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or
- C. Disapproval of the conditional use.

17-5 COORDINATED REVIEW AND APPROVAL OF APPLICATIONS

When an application for a Conditional Use Zoning Certificate is filed, applications shall be filed with the BZA for all other required approvals, including variances.

17-5.1 *Notice of Applications for Additional Approvals*

Whenever an applicant files an application for other approvals pursuant to this Section, all required notices shall include reference to the request for any and all additional approvals.

17-5.2 *Procedures and Action by Board of Zoning Appeals*

Whenever an applicant files applications for other approvals pursuant to this Section, the BZA shall review and process all such applications at the same public hearing. In reviewing such combined applications the BZA shall, except as hereinafter provided with respect to limitations on the time for taking action, comply with all of the provisions of this Resolution applicable to each of the applications.

The BZA shall act on any such combined application within the longest time period applicable to any one of the individual applications or within such further time as may be consented to by the applicant. ~~The Secretary of t~~The BZA shall issue notices and certificates of such action in accordance with the provisions of this Resolution applicable to the various applications involved.

17-6 GENERAL CONSIDERATIONS FOR CONDITIONAL USES

In approving an application for a Conditional Use Zoning Certificate, the BZA shall make a finding that the proposed conditional use is appropriate in the location proposed. The finding shall be based upon the general considerations set forth below, as well as the designated specific criteria for specific uses contained in Section 17-7, Specific Criteria Pertaining to Conditional Uses.

- A. Spirit and Intent. The proposed use and development shall comply with the spirit and intention of the Zoning Resolution and with district purposes. The proposed use and development will be in harmony with the general and specific purposes for which this Resolution was enacted and for which the regulations of the district in question were established and complies with all additional standards imposed on it by the particular provisions of this Resolution authorizing such use.
- B. No Adverse Effect. The proposed use and development shall not have an adverse effect upon adjacent property, or the public health, safety, and general welfare.
- C. Protection of Public Interests. The proposed use and development should respect, to the greatest extent practicable, the natural, scenic, and historic features of significant public interest.
- D. Consistent with Adopted Plans. The proposed use and development shall, as applicable, be consistent with objectives, policies and plans related to land use adopted by the Board of Township Trustees.

17-7 SPECIFIC CRITERIA PERTAINING TO CONDITIONAL USES

In addition to the general considerations contained in Section 17-6, General Considerations for Conditional Uses, each conditional use is subject to one or more specific criteria as identified in Table 17-1, Conditional Uses. The following list in Table 17-1, Conditional Use Criteria contains all the specific criteria with each preceded by a number for reference in Table 17-2, Conditional Uses.

Table 17- 1 – Conditional Use Criteria

1	Site shall contain a minimum of 5 acres and all buildings shall not occupy over 10 percent of the total area of the site.
2	Site shall contain a minimum of 20 acres.
3	Interment shall not be within 50 feet of any property line and any mausoleum, crematory, or other structure shall be at least 100 feet from every property line.
4	Any structure (except fences), parking area, or storage area shall be setback at least 100 feet from every property line.
5	Setbacks from any adjacent residential property line shall be a minimum of 50 feet for all buildings and 25 feet for all parking areas.
6	Parking shall not be permitted in the area defined as the front yard setback of the existing zone district.
7	Use shall have direct access to a collector or arterial street.
8	The off-street parking area shall be located and designed so as to minimize impact on the neighborhood.
9	Any use for which drop-off or pick-up of children, residents, visitors, products, or emergency vehicles is a common occurrence shall provide for the separation of incoming and outgoing vehicles so as not to impede other traffic.
10	The use shall be located within 300 feet of an arterial highway.
11	The facility shall be reasonably accessible, either by its location or transportation provided by the applicant, to medical, recreational, and retail services as well as to employment opportunities that may be required by its residents
12	Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties.
13	No exterior alterations of an existing structure shall be made that depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.
14	However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
15	The architectural design and site layout of the structure and the location, nature, and height of any walls, screens, and fences are to be compatible with adjoining land uses and the residential character of the neighborhood.
16	Landscaping shall be installed in accordance with one of the following buffers as described in detail in Chapter 14: <ol style="list-style-type: none"> 1. Boundary Buffer A (shown in Figure 14 A) . 2. Boundary Buffer B (shown in Figure 14 B). 3. Streetscape Buffer (shown in Figure 14C).
17	Signage shall be regulated as follows: <ol style="list-style-type: none"> 1. No signs shall be erected for purposes of identification except a permitted street address sign. 2. One sign permitted at a maximum of 12 square feet and non-internally illuminated. 3. One sign permitted at a maximum of 32 square feet. 4. Subject to sign standards in Chapter 13.
18	The conditional use shall be subordinate to the principal permitted use with regard to usage and character.
19	Outdoor playgrounds, tot lots, exercise areas, and pools shall be fully enclosed by a fence.
20	All exterior lighting shall be directed away from adjacent residential properties.
21	Documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant shall be submitted as part of the application.
22	Security measures shall be submitted as part of the application.
23	The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents along with a structured procedure whereby their grievances may be filed and resolved.
24	A refuse collection plan shall be submitted as part of the application.

25	Meals shall be served only to guests or residents of the facility and not to the general public.
26	The intensity of the particular use shall be evaluated with regard to the location, size, and configuration of the tract.
27	An emergency response plan shall be submitted detailing safety measures and response procedures.
28	No structure, storage area, or off-street parking area shall be located closer than: <ol style="list-style-type: none"> 1. 100 feet to a residential use or district 2. 200 feet to a residential use or district.
29	No landing strip shall be closer than 1,000 feet from a residential use.
30	Coverage of the required rear yard by the unit shall not exceed 10 percent, and coverage of the entire lot by the unit and the principal unit shall not exceed 20 percent.
31	The unit shall contain a maximum of 900 sq. ft. and not exceed 15 ft. in height.
32	The terms of continuation of this use and those under which it shall eventually be removed or terminated are to be specified in the application and contained within the approving Resolution.
33	There shall be central management of the use to assure seasonal occupancy only (April 1 to October 31).
34	All mechanical equipment is to be screened from view from any residential property line.
35	All trash handling areas / dumpsters are to be located no closer than 25 feet from any residential property line and must be screened from view.
36	All photometric lighting levels are to be at 0 foot candles at all property lines

Table 17- 2 - Conditional Uses

SPECIFIC USES	CONDITIONAL USES BY DISTRICT*					Specific Criteria for Conditional Uses (Numbers as per Sec. 17-7)
	AA-C	D	O	E	F	
RESIDENTIAL USES:						
Accessory Apartment	C	--	--	--	--	13, 16a, 17, 25
Bed and Breakfast	C	C	--	--	--	6, 8, 13, 16b, 19, 24
Day Care, Type A	--	C	--	--	--	5, 7, 8, 9, 14, 16a, 18, 19, 25
Granny Cottage	C	C	--	--	--	14, 16a, 29, 30, 31
Group Home	C	C	--	--	--	6, 11, 13, 14, 16a, 19, 20, 22
COMMERCIAL USES:						
Office (excluding medical) - <i>low intensity (Max ISR = .50)</i>	--	C	--	--	--	6, 7, 8, 14, 15 b&c, 16d, 19, 25
Restaurant or Bar as accessory to office use	--	--	C	--	--	15, 16a, 17,
INDUSTRIAL USES:						
Mini-Storage Facility	--	--	--	C	--	5, 7, 15c, 16c, 21
Adult Entertainment Facility	--	--	--	--	C	See Section 17-12 for criteria.
Warehouse as accessory use	--	--	C	C	--	5, 8, 12, 16a, 17, 19
INSTITUTIONAL USES:						
Church (ISR Max .45)	C	--	--	--	--	6, 8, 12, 14, 15b, c, 16d, 18, 19, 33, 34, 35
Cemetery	C	--	--	--	--	2, 3, 7, 15 a&c, 16c, 19
Correctional Facility, Halfway House	--	--	--	--	C	2, 7, 9, 15 b&c, 16c, 17, (19), 20, 21, 22, 25
Day Care Center, Child	--	C	--	--	--	8, 9, 12, 15 a&c, 16b, 18, 19
Hospital	--	C	--	--	--	5, 6, 7, 8, 9, 15 b&c, 16c, 19, 25
School	C	C	--	--	--	12, 15 a&c, 16c, 19
University or College	C	--	--	--	--	4, 12, 15 a&c, 16c, 19
PUBLIC SERVICE USES:						
Government Facility	C	C	--	--	--	5, 6, 8, 9, 15 a&c, 16c, 19
Library	C	C	--	--	--	5, 7, 8, 15 a&c, 16b, 19, 25
Park and Ride Facility	C	C	--	--	--	5, 7, 8, 9, 12, 15 a&c, 16b, 19, 25

Notes:

- AA-C = AA, A, A-2, A-3.5, B, B-2, & C Residential Districts
- D = Multi-Family Residential Districts
- O = Office District
- E = Retail Business District
- F = Light Industrial District

RECREATIONAL, CULTURAL & ENTERTAINMENT USES:						
Cultural Facility						
Botanical Garden	C	-	-	-	-	5, 6, 8, 16c, 19
Museum	C	-	-	-	-	4, 7, 8, 12, 15 b&c, 16c, 19, 25
Outdoor drama theaters (not drive-in's)	C	C	--	--	--	1, 4, 8, 12, 15 a&c, 16c, 19, 22
Zoo	C	--	--	--	--	2, 7, 8, 12, 15 a&c, 16c, 19, 21, 22, 23, 25, 26, 27b
Recreation, Community Facility - Private						
Athletic/Play Field	C	C	--	--	--	8, 12, 15a, 16c, 19, 21, 22, 23, 25
Club, Private	C	C	--	--	--	6, 7, 8, 14, 15 b&c, 16c, 19, 25
Golf Course	C	C	--	--	--	2, 5, 6, 8, 16c, 19, 24
Recreation Center, Internal	C	C	--	--	--	8, 12, 14, 15a, 16b, 19
Summer Camp	C	--	--	--	--	2, 9, 12, 16c, 19, 21, 26, 32
Swim/Tennis Facility	C	C	--	--	--	4, 8, 9, 12, 14, 15 b & c, 16c, 17, 18, 19, 21, 25

Notes:

- AA-C = AA, A, A-2, A-3.5, B, B-2, & C Residential Districts
- D = Multi-Family Residential Districts
- O = Office District
- E = Retail Business District
- F = Light Industrial District

17-8 ACCESSORY USES TO CONDITIONAL USES

Any use or structure that is accessory to a conditional use shall be processed in the same manner as prescribed in this Chapter for conditional uses. If an application for an accessory use is made concurrently with an application for the primary conditional use, they may be considered together as one application. Whether processed in conjunction with a primary conditional use or as a later supplement to an existing primary conditional use, the accessory use shall meet the appropriate specific criteria listed in Section 17-7, Specific Criteria Pertaining to Conditional Uses, as well as the general conditions contained in Section 17-6, General Conditions for Conditional Uses.

17-9 ADDITIONAL REGULATIONS PERTAINING TO CONDITIONAL USES

In addition to the general standards contained in Section 17-6, General Conditions for Conditional Uses, the specific criteria contained in Section 17-7, , Specific Criteria Pertaining to Conditional Uses, all conditional uses are subject to the following regulations.

17-9.1 Additional Conditions

The BZA may impose additional conditions and limitations concerning use, construction, character, location, landscaping, screening, timing of implementation, and other matters relating to the purposes and objectives of this Resolution upon the premises benefited by a conditional use. Such conditions are intended to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services or to assure compliance with general or specific standards. However, such conditions shall not be used as a device to authorize as a conditional use that which is intended to be temporary in nature. All such conditions, including the designated specific criteria for a particular use, shall be expressly set forth in the resolution granting the Conditional Use Zoning Certificate. Violation of any such condition, limitation, or specific criteria shall be a violation of this Resolution and shall constitute grounds for revocation of the Conditional Use Zoning Certificate.

17-9.2 Effect of Approval of Conditional Use

The approval of a proposed conditional use by the Board of Zoning Appeals shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the Township and County, including but not limited to, a Conditional Use Zoning Certificate, a building permit, a certificate of occupancy and subdivision approval.

17-9.3 Certification of Conditional Use Plan Compliance

Upon receipt from the applicant of an application for a Zoning Compliance Plan certification, the Administrative Official shall review the application to determine if it is complete pursuant to Chapter 20, Section 20 2.2, General Application Procedures, including any additional conditions required in conjunction with the approval by the BZA. Within seven (7) days of receipt of the completed application, the Administrative Official shall either (1) certify that the Zoning Compliance Plan complies with the BZA approval; or (2) refuse to certify the Zoning Compliance Plan for lack of compliance with the BZA approval.

17-9.4 Affidavit of Compliance with Conditions

Whenever any proposed conditional use authorized pursuant to this Chapter is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the Zoning Inspector so stating. Such affidavit shall be accompanied by a nonrefundable fee as established by the Board of Township Trustees upon recommendation of the Administrative Official, to recover the Township's actual direct cost of an inspection to verify that such conditions and limitations have been met.

17-9.5 Limitations on Conditional Use Approval

The approval of a proposed conditional use by the BZA shall be deemed to authorize only the particular use for which it was issued, and such authorization shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of twenty four (24) consecutive months or more.

Except when otherwise provided in the Resolution for approving a conditional use, a conditional use shall be deemed to relate to, and be for the benefit of, the use and lot in question rather than the owner or operator of such use or lot.

17-9.6 Amendments to Conditional Uses

A Conditional Use Zoning Certificate may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Chapter for its original approval.

17-10 PERIOD OF VALIDITY

Subject to an extension of time granted by the BZA, no Conditional Use Zoning Certificate shall be valid for a period longer than one (1) year unless a building permit is issued.

17-11 APPEAL OF DECISION

Any party aggrieved by the decision of the Board of Zoning Appeals may appeal pursuant to O.R. C. 2506.

17-12 ADDITIONAL REGULATIONS PERTAINING TO ADULT ENTERTAINMENT FACILITIES**17-12.1 Definitions**

Adult Entertainment Facility shall mean an establishment having a significant portion of its function as adult entertainment which includes the following listed categories:

- A. Adult Arcade means a commercial establishment, where for any form of consideration, one (1) or more still or motion picture projectors, slide projectors, or similar machines or other image producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides or photographic reproductions characterized by the depiction or descriptions of “specified sexual activities” or “specified anatomical areas.”
- B. Adult Book Store, Adult Novelty Store or Adult Video Store means an establishment, having as a significant or substantial portion of its sales inventory, such adult materials.
- C. Adult Entertainment Business means any establishment involved in the sale of services or products characterized by the exposure or presentation of “Specified Anatomical Areas” or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.
- D. Adult Mini Motion Picture Theater means a facility with a capacity for less than fifty (50) persons, used for presenting adult material for observation by patrons therein.
- E. Adult Motel or Hotel means an establishment offering public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions, characterized by the depiction of “specified sexual activities” or “specified anatomical areas” and which advertises the availability of this type of material by means of a sign visible from the public right-of-way, or by means of off-premises advertising; or offers a sleeping room for rent for a period of time less than ten (10) hours; or allows a tenant or occupant to sub-rent the sleeping room for a period of time less than ten (10) hours.
- F. Adult Motion Picture Theater means an enclosed motion picture theater or motion picture drive-in theater used for presenting adult material for observation by patrons therein.
- G. Escort Agency means a person or business association that, for any form of consideration, furnishes, or offers to furnish an escort(s), guide(s), or date(s) for another person.
- H. Massage Establishments means any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or therapist duly licensed by the State of Ohio, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder, or recreation centers and sports complexes.
- I. Massage means a method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.
- J. Nude Model Studio means any place where a person, ~~who regularly~~ appears in a state of nudity, or displays “specified anatomical areas”, is provided, for any form of consideration, to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

- K. Specified Sexual Activities shall mean:
1. Human genitals in a state of sexual stimulation or arousal;
 2. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio;
 3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.
- L. Specified Anatomical Areas shall mean:
1. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola;
 2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- M. Sexual Encounter Establishment means a business or commercial establishment, that is one (1) of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons congregate, associate or consort, for the purpose of “specified sexual activities”, or the exposure of “specified anatomical areas”, or activities when one (1) or more of the persons is in a state of nudity or semi-nude (not including an establishment where a medical practitioner, psychologist, psychiatrist or similar person licensed in the state of Ohio, engages in medically approved and recognized sexual therapy.)

17-12.2 Regulations

A. Required Conditions.

1. No adult entertainment facility shall be established within one thousand (1000) feet of any area zoned for residential use within the Township jurisdiction.
2. No adult entertainment facility shall be established within a radius of one thousand (1000) feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons under eighteen (18) years of age.
3. No adult entertainment facility shall be established within a radius of one thousand (1000) feet of any park or recreational facility attended by persons less than eighteen (18) years of age.
4. No adult entertainment facility shall be established within a radius of five hundred (500) feet of any other adult entertainment facility or within a radius of one thousand (1,000) feet of any of the following establishments:
 - a. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
 - b. Pawn shops.
 - c. Pool, billiard halls or amusement centers.
 - d. Dance halls or Dance Clubs.
5. No adult entertainment facility shall be established within a radius of one thousand (1000) feet of any religious place of worship, which is attended by persons less than eighteen (18) years of age.
6. No adult entertainment facility shall be established within a radius of one thousand (1,000) feet of any publicly funded facility.
7. Divisions (1) through (6) above, may be waived by the Board of Zoning Appeals provided that the applicant provides affidavits of fifty-one (51) percent of the property owners and resident ~~freeholders~~ property owners within the above described radii, giving their consent to the establishment of an adult entertainment facility, and if the Board determines:
 - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and interest of this Section will be observed.
 - b. That the proposed use will not enlarge or encourage the development of a skid row or similar depressed area.
 - c. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation not will it interfere with any program of urban renewal, residential or commercial reinvestment, or renovation of a historical area.
 - d. That all applicable regulations of this Section will be observed.

8. All building openings, entries, windows, etc. for adult entertainment facilities shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public areas, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public or semi-public areas.
9. No advertising signage for an adult entertainment facility, shall be visible from any interstate or freeway. Furthermore, no off-premises signage advertising adult entertainment uses shall be permitted.
10. Displays or other promotional materials shall not 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.
11. No employees of the subject establishment shall conduct themselves outside the confines of the structure in such attire and/or by actions, in a manner distracting, distasteful and/or detrimental to adjacent business interests, residents or passersby.
12. No screens, loudspeakers or sound equipment shall be used that can be seen or discerned by the public from public or semi-public areas.

17-13 ADDITIONAL REGULATIONS PERTAINING TO TELECOMMUNICATION TOWERS IN AREAS ZONED FOR RESIDENTIAL USE

17-13.1 Purpose and Intent

~~The following regulations are intended to minimize adverse health, safety, public welfare or visual impacts of telecommunications facilities in areas zoned for residential use through buffering, siting, design and construction, and reduction of the need for new towers. It is the further purpose and intent of this Section to provide for authorization of telecommunications facilities in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community. These regulations shall not unreasonably discriminate among providers of functionally equivalent services and shall not prohibit or have the effect of prohibiting the provision of personal wireless communications services. This section shall also govern the maintenance and removal of buildings and structures that are used in the provision of telecommunications service.~~

17-13.21 Authority and Scope

~~Except in accordance with Ohio Revised Code 303.211519.211, Limits on Township Zoning Power – Telecommunication Towers, and the provisions of this section of the Sycamore Township Zoning Resolution, no person shall, in an area zoned for residential use, located, erect, construct, reconstruct, change, alter, use or enlarge any telecommunications tower. Whenever a notice has been received or an objection has been lodged, in the manner prescribed in Ohio Revised Code Section 303.211(B)(3), regarding a telecommunications tower in an area zoned for residential use, the BZA shall, upon application, have the power to issue at its discretion a Conditional Use Zoning Certificate after public hearing, allowing the construction, location, erection, reconstruction, change, alteration or enlargement of such telecommunication facility if it finds that the applicant has satisfied all of the applicable requirements herein. In the event of any inconsistency between this Section 17.13, Additional Regulations Pertaining to Telecommunication Towers in Areas Zoned for Residential Use, and other provisions of the Sycamore Township Zoning Resolution, the provision of this Section shall prevail.~~

17-13.3 Exceptions

- ~~A.—A Zoning Certificate shall be granted as of right, without the need for public hearing, to permit the construction of a new telecommunications facility in an area zoned for residential use if that new tower or antenna is added to an existing tower (including electrical transmission towers and other utility towers), and if such installation extends less than twenty-five (25) feet above the original height of the structure on which it is mounted.~~
- ~~B.—Telecommunications towers not located in an area zoned for residential uses are exempt from zoning.~~
- ~~C.—Telecommunications towers located in an area zoned for residential use are exempt from zoning unless within fifteen (15) days after the date of mailing of the applicant’s notice sent under division (B)(3)(b) of Ohio Revised Code Section 303.21:

 - ~~1.—A Board of Township Trustees or a contiguous property owner gives written notice to the Board of Township Trustees requesting that the tower be subjected to zoning regulations, or~~
 - ~~2.—A member of the Board of Township Trustees makes an objection to the proposed location of the telecommunication tower.~~~~

17-13.4 Definitions

The following definitions shall apply to this Section:

- ~~A.—Area Zoned for Residential Use. Land included in zoning districts where the primary permissible use is residential development and land in all other districts within three hundred (300) feet of any residential district wherein special provisions for setbacks, landscaping, buffers and other development standards may be required for the protection of existing or future residential development.~~
- ~~B.—Co-location. The use of a telecommunications tower by more than one (1) wireless telecommunications provider. Co-location also includes the location of telecommunications towers or antennas with other facilities such as water tanks, electrical transmission towers or other utility facilities.~~
- ~~C.—Telecommunication. The technology that enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems (also referred to as wireless communication).~~
- ~~D.—Telecommunications Tower. Any freestanding structure, or any structure to be attached to a building or other structure; owned or principally used by a public utility or other person or entity engaged in the provision of wireless telecommunication services; in an area zoned for residential use; at a height greater than that permitted within the applicable zone, or an attached structure proposed at a height greater than either the height of the building or structure to which it is to be attached or that permitted within the applicable zone; to have attached to it radio frequency transmission or reception equipment. Towers may be constructed as: a "monopole," meaning one cylindrical column in the air; a "lattice tower," meaning three or more vertical legs trussed together; or a "guyed tower," meaning a structure that, because it is less substantial, is secured to the ground by wires, cables or similar material. Such towers may be related to, but are not limited to, radio and television transmission, microwave, commercial mobile, common carrier, cellular telephone, and personal communications services. The tower site may include separate buildings or accessory structures used to house any supporting electronic equipment.~~

17-13.5 Application Procedure

The following procedures shall be in addition to any procedures required by this Chapter pertaining to conditional uses and the Ohio Revised Code pertaining to telecommunications towers:

- A. ~~Pre-application Conference.~~ Any person or company intending to construct or to apply for the placement or operation of a telecommunications tower or antenna within a residential district or an "area zoned for residential use" as defined in Section 17-13.4, Definitions, shall first schedule a pre-application conference with the Administrative Official or designee.
- B. ~~Purpose.~~ The purpose of the pre-application conference is to discuss the needs of the applicant; evaluate the impact of the proposed tower on adjacent property and neighborhoods; discuss possibilities of co-location; identify alternative suitable sites that may minimize the negative impact on residential areas; and clarify application process and requirements.

17-13.6 Documentation

Any request filed under this Section for review of a proposal to construct a telecommunications tower or antenna shall include the following:

- A. ~~Analysis of Co-location Alternatives.~~ Unless co-locating, certification, supported by evidence, must be submitted indicating that co-location of the proposed telecommunications facility with an existing approved tower cannot be accommodated. The applicant's certification shall include a listing of all existing towers, a description of each existing site, and a discussion of the ability or inability to co-located on each existing site according to the following scope of analysis:
1. ~~For a tower proposed to exceed a height of two hundred (200) feet, analysis must include all towers within a one and one-half (1½) mile radius;~~
 2. ~~For a tower proposed to exceed a height of one hundred (100) feet but less than two hundred (200) feet, analysis must include all towers within a one (1) mile radius;~~
 3. ~~For a tower proposed to be built at a height less than one hundred (100) feet, analysis must include all towers with a one-half (½) mile radius.~~
 4. ~~Reasons for not co-locating on a site would include, but not be limited to, the following:~~
 - a. ~~No existing telecommunications towers are located within the above radius of the site;~~
 - b. ~~Existing telecommunications towers are not of sufficient height to meet the applicant's engineering requirements;~~
 - c. ~~Existing telecommunications towers do not have sufficient structural strength to support applicant's proposed antenna and related equipment;~~
 - d. ~~Applicant's planned equipment would cause radio frequency interference with other existing or planned equipment of the telecommunications tower, or the existing or planned equipment of the telecommunications tower would cause interference with the applicant's planned equipment which cannot be reasonably prevented;~~
 - e. ~~Unwillingness of the owner of the existing telecommunications tower to allow the sitting or enter into a co-location proposal; or~~
 - f. ~~Existing telecommunications towers do not provide an acceptable location for requisite coverage for the applicant's communications network.~~
- B. ~~Analysis of New Tower Site Alternatives.~~ Unless co-locating, certification, supported by evidence, must be submitted indicating that a proposed new site for a telecommunications tower is an essential location. The applicant's certification shall include a listing of potential sites, a description of each potential site (including ground elevations), and a discussion of the ability or inability of the site to host a telecommunications tower according to the following scope of analysis:

1. ~~For a tower proposed to exceed a height of two hundred (200) feet, analysis must include all towers within a one and one-half (1½) mile radius,~~
2. ~~For a tower proposed to exceed a height of one hundred (100) feet but less than two hundred (200) feet, analysis must include all towers within a one (1) mile radius,~~
3. ~~For a tower proposed to be built at a height less than one hundred (100) feet, analysis must include all towers within a one-half (½) mile radius.~~

~~Potential sites that should be considered (in order from most preferred to least preferred) include: existing telecommunications towers and utility towers, public land in non-residential district, industrial districts, commercial districts, and residential districts.~~

~~Reasons for not locating on a potential site would include, but not be limited to, the following:~~

1. ~~Unwillingness of the site owner to site a telecommunications tower on commercially reasonable terms;~~
2. ~~Topographic limitations of the site;~~
3. ~~Adjacent impediments that would obstruct adequate transmission;~~
4. ~~Physical site constraints that would preclude the construction of a telecommunications tower;~~
5. ~~Technical limitation of the telecommunications system;~~
6. ~~Existing potential sites do not provide an acceptable location for requisite coverage for the applicant's communications network.~~

- ~~C. Analysis of Visual Impact. The applicant for a Conditional Use Certificate to construct a telecommunications tower shall submit, subject to a non-site owner's permission to enter upon the land, a pictorial representation, such as a silhouette drawing, photograph, etc., of the proposed telecommunications facility from a point four hundred (400) feet from the facility in each of the four (4) compass directions showing the relationship of the tower and/or facilities against the massing of surrounding structures, trees, and other intervening visual masses.~~
- ~~D. Expert Review. Prior to granting a Conditional Use Certificate, The BZA may require that the applicant's proposal and analysis be reviewed by an independent qualified consultant(s), at the cost of the applicant. Special review fees, not to exceed \$2500.00 may be established to cover the costs of staff and/or external expert review of requests filed under this section.~~
- ~~E. Agreement to Enable Co-location. In the event of the construction of a new tower by the applicant, the applicant shall agree to the shared use of such facilities, when technically feasible, by other telecommunication companies upon payment of reasonable fees to the owner, or agreement to reciprocal terms for co-location involving other site(s), provided such shared use does not violate any law, rule or regulation. Any new towers shall be designed to accommodate antennas for more than one use. Such agreement shall be incorporated on the conditional use plan.~~
- ~~F. Agreement to Accommodate Public Safety Antennas. The applicant shall agree to accommodate the communications antennas of the local police, fire, ambulance and other government departments at no charge where technically feasible. Such agreement shall be incorporated on the conditional use plan.~~
- ~~G. Consistency with Adopted Plans. A justification statement demonstrating that the proposed construction is in agreement with any plans, relating to telecommunications towers, duly adopted by the Township Board of Trustees.~~
- ~~H. Agreement to Submit an Annual Network Inventory. On or before January 1st of each calendar year, each applicant (having conditional use approval of a telecommunications tower or facility) shall provide a listing of the present locations of the applicant's telecommunications towers and/or facilities in Sycamore Township. With each application, the applicant shall provide any changes to the "annual" plan that have occurred since January 1st or verify the continued accuracy of the plan submitted. Such agreement shall be incorporated on the conditional use plan.~~

- ~~I. **Guarantee of Removal if Abandoned.** To ensure the removal of all improvements at any abandoned telecommunications facility in an area zoned for residential use, any applicant filing a request, except for multi-user co-location towers, under this Section shall, deposit with the BZA and to the benefit of the Board of Township Trustees a letter of credit, a performance bond, or other security acceptable to the Board of Township Trustees.~~
- ~~1. Performance Bonds are to be issued by a bonding agency certified and licensed by the State of Ohio.~~
 - ~~2. The bonding agency shall recommend the amount of the bond required covering the costs in association with the removal of the improvements and the restoration of the land to its original condition prior to the construction of the telecommunications tower.~~
 - ~~3. Verification of the performance bond, line of credit or other security issued to guarantee the removal and restoration of the land, are to be submitted to the BZA Staff on or before January 1st of each calendar year while the telecommunications tower is in use.~~
 - ~~4. Any guarantee submitted shall be irrevocable and shall provide for the Board of Township Trustees to collect the full amount of the guarantee if the applicant fails to maintain the guarantee.~~
 - ~~5. A change in ownership, lessee, successor by merger requires the issuance of a new guarantee. The new guarantee shall be submitted to the Administrative Official for approval and submission to the Board of Township Trustees. The owner or lessee shall enter into a written agreement with the property owner to remove all improvements made in association with the construction of the tower and restore the property to its original state when the telecommunications tower is no longer in use and or at the time of the termination of the lease agreement.~~
- ~~J. **Other Approvals.** Proof shall be provided by the applicant in a form satisfactory to the BZA that the proposal has been approved by all agencies and governmental entities with jurisdiction, and conforms to all applicable requirements of the Ohio Department of Transportation (ODOT), the Federal Aviation Administration (FAA), the Federal Communication Commission (FCC), or the successors to their respective functions.~~

17-13.7 Specific Criteria Pertaining To Telecommunications Towers

At the time of filing of a request under this Section, the applicant shall provide information demonstrating compliance with the requirements listed below.

- ~~A. **Design.** A new tower built in an area zoned for residential use shall, to the extent economically and technologically feasible, be designed, engineered and constructed as follows:~~
- ~~1. A tower seventy five (75) feet tall or less shall be designed, engineered and constructed to support antennas installed by one or more wireless communication service provider;~~
 - ~~2. A tower more than seventy five (75) feet tall but less than one hundred fifty (150) feet tall shall be designed, engineered and constructed to support antenna installed by two or more wireless communication service providers, and~~
 - ~~3. A tower one hundred fifty (150) feet tall or more shall be designed, engineered and constructed to support antenna installed by three or more wireless communication service providers. Monopole tower installations are required unless it is demonstrated that another type of tower is required for safety purposes or for co-location or multiple use requirements of the BZA.~~
- ~~B. **Lot Size.** Lot size shall be the minimum for the zoning district in which the telecommunication tower is to be built. Sufficient ground space should be provided to enable multiple equipment structures in accordance with co-location requirements and plans.~~
- ~~C. **Setbacks for Towers.** Telecommunication towers shall be located so as to establish a clear zone for falling tower debris, ice and/or the collapse of the tower. Towers shall be located such that the distance from the base of the tower to any adjoining property line of a residential use or district is a minimum of one hundred (100) percent of the proposed tower height and a minimum of fifty (50) percent of the proposed tower height from any adjoining nonresidential use or district.~~

- ~~D. Setbacks for Accessory Structures. All structures, except fences and underground shelters, shall be located at least fifty (50) feet from the property line of any residentially zoned property and shall, in all other circumstances, observe the yard requirements of the district in which they are located.~~
- ~~E. Underground Shelters. Underground equipment shelters are encouraged in residential district, and may be required by the BZA.~~
- ~~F. Fences. Fencing shall be utilized for aesthetics and public safety. Razor wire fencing shall be prohibited. Barbed wire fencing may be used to enclose the facility and shall, if used, have barbed wire strands not less than seven (7) feet and not more than ten (10) feet above grade and be a minimum of thirty (30) feet from any residential property line.~~
- ~~G. Screening and Landscaping. Existing on-site vegetation shall be maintained to the greatest extent possible. In addition, landscaping or appropriate screening shall be required to screen the support structure and any other ground level features. In general, landscaping should soften the appearance of the tower site. The BZA may permit a combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping.~~
- ~~H. Signs. The only signs allowed shall be emergency information signs, owner contact information, warning or safety instructions, and signs required by a federal, stated, or local agency. Such signs shall not exceed five (5) square feet in area.~~
- ~~I. Lights. Telecommunications towers and accessory facilities shall not be equipped with lights unless such lighting is required due to factors outside of the applicant's control. Security lighting within the tower structure are permitted provided that such lighting is compliant with the lighting section of the Zoning Resolution.~~
- ~~J. Visual Impact. Telecommunications towers and accessory facilities shall be constructed using designs and materials that reduce visual impact to the extent economically and technologically feasible. Facilities which have a greater visual impact should be permitted (for example — taller, lighting required, larger ground space used) when the greater visual impact of a particular facility eliminates the need to construct other facilities in an area zoned for residential use, thus resulting in a reduced total visual impact. Towers and accessory facilities shall be designed, painted, located, landscaped and otherwise constructed so as to reduce visual impact of the facility in the area zoned for residential use to the extent economically and technologically feasible.~~
- ~~K. Abandonment. The applicant (or its successors) shall, within thirty (30) days of permanently ceasing operation of a telecommunication tower, provide written notice of abandonment to the zoning inspector. An unused telecommunication tower may stand no longer than twelve (12) months following abandonment. All costs associated with demolition of the tower and associated equipment buildings shall be borne by the most recent tower operator of record unless such costs are the contractual or legal responsibility of another party. A tower is considered abandoned when it ceases transmission for thirty (30) consecutive days. If the use of any telecommunications tower is discontinued, the owner shall provide the Board of Zoning Appeals with a copy of the notice to the FCC of intent to cease operations within thirty (30) days of such notice to the FCC. If the tower will not be reused, the owner shall have one hundred eighty (180) days from submittal of the FCC notice to the BZA to obtain a demolition permit and remove the tower that will not be reused. If the tower is to be reused, the owner shall have no more than twelve (12) months from submittal of the FCC notice to the BZA in which to commence new operation of the tower that is to be reused. Upon failure to commence new operation of the tower that is to be reused within twelve (12) months, the tower shall be presumed abandoned, and the owner shall immediately obtain a demolition permit and remove the tower that is presumed abandoned. If the owner fails to remove a tower in the time provided by this paragraph, the BZA may cause the demolition and removal of the tower and recover its costs of demolition and removal from the Guarantee deposited by the applicant pursuant to Section 17-13.6 (I), Guarantee of Removal if Abandoned.~~
- ~~L. Maintenance. Every applicant, owner or operator of a telecommunications tower, in an area zoned for residential use, shall annually file with the BZA, on or before January 1st of each year, a declaration that~~

~~each and every tower that it then maintains within Sycamore Township is used by that applicant for wireless communication purposes. Any owner of property used as a telecommunications tower site shall maintain such property and all structure in good condition and free from trash, outdoor storage, weeds and other debris.~~

17-13.8-2 Modifications

Where the BZA finds that the conditions or circumstances relating to the particular application are such that one or more of the requirements ~~of this Section~~ are not necessary or desirable for the protection of surrounding property or the public health, safety or welfare, either at the time of application or in the foreseeable future, and that such special conditions and circumstances make one or more said requirements unduly burdensome, the BZA may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

17-13.9-3 BZA Action

Any decision to deny a request to place, construct or modify a telecommunications tower or antenna shall be in writing and supported by substantial evidence contained in a written record of the proceedings of the BZA. The BZA may not deny an application for a telecommunications tower or antenna as a conditional use if the denial would unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless services.

Further, the BZA may not deny an application for a telecommunications tower or antenna as a conditional use on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC’s regulations concerning such emissions.

CHAPTER 18 – SITE PLAN REVIEW PROCEDURES

18-1 PURPOSE

The purpose of Site Plan Review is to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services, orderly improvement of property in accordance with community plans, and to encourage innovation in the planning and building of all types of development without detriment to neighboring properties. ~~Theseregulations~~These regulations are intended to permit property to be used in a manner or intensity not permitted as-of-right by the underlying district regulations.

18-2 APPLICABILITY

18-2.1 When Required

Prior to the issuance of any permit or certificate for any proposed new development, redevelopment, renovation, alteration or expansion of an existing structure or building, a site plan review process shall be required in accordance with the provisions of this Chapter unless specifically exempted below. Site Plan Review shall be required when:

- A. The use is designated with an “S” in the Tables of Permissible Uses in Chapter 3, District and Zoning Map.
- B. The use is in a Specific Plan District as identified in Chapter 7, Specific Plan Districts.
- C. The use is part of a Special Public Interest Overlay District (SPI) as identified in Chapter 8, Special Public Interest (SPI) Overlay District.
- D. There is an increase in the number of dwelling units for residential uses other than single family detached dwellings;
- E. New construction, including renovations, alterations, or expansions to an existing building, that involves an increase in existing building footprint, or impervious coverage of the site of 10% or more;
- F. Expansion of an existing off-street parking area of 10% or more;
- G. The use of an existing building is changed to a use different than that which is being replaced;
- H. There is a significant change to the exterior of the building, or group of buildings, including but not limited to: facade changes, replacement of exterior materials such as siding, change in roof lines and materials, structural changes such as removal, replacement or addition of doors or windows.
- I. Off-premise signs (billboards) are being applied for.

18-2.2 Uses and Activities Exempt from Site Plan Review

The following uses and activities shall be exempt from site plan review unless required in Section 18-3.1, When Required, above. Exempted uses are still subject to all other provisions of this Zoning Resolution, as applicable.

- A. A single family detached dwelling and their related accessory uses and structures.
- B. Changes in use that are less intensive than the previous use or which, by this Resolution, require less off-street parking spaces.
- C. Home occupations.
- D. Temporary uses.
- E. Accessory or secondary dwelling units.

18-3 TYPES OF SITE PLAN REVIEW

The Board of Township Trustees and the Sycamore Township Zoning Commission may, in accordance with the procedures and standards set out in this Chapter and other regulations applicable to the district in which the subject property is located, approve a site plan for any use listed as “C” or “S” in the Table of Permissible Uses found in Chapters 4, Residential Districts, 5, Commercial Districts, 6, Industrial Districts, and Chapter 7, Specific Plan Districts.

18-3.1 Approval of Minor Site Plan Applications (S-1)

Proposed developments whose net densities or intensities fall within the S-1 range, as shown in the Table of Permissible Uses in Chapter 3, District and Zoning Map, shall require administrative approval of a Site Plan by the Township Zoning Commission and certification of a Zoning Compliance Plan by the Administrative Official.

18-3.2 Approval of Major Site Plan Applications (S-2 and S-3)

Proposed developments whose net densities or intensities fall within the S-2 or S-3 range, as shown in the Table of Permissible Uses in Chapter 3 shall require review and recommendation of a Site Plan by the Township Zoning Commission, legislative approval of a Site Plan by the Board of Township Trustees and certification of a Zoning Compliance Plan by the Administrative Official.

18-3.3 Approval of Modifications of Specific Requirements

The specific requirements in this Resolution for lot areas, height, yards, buffers, perimeter setbacks, parking (including provision of compact car spaces), landscaping, signs, lighting, and noise shall apply to all developments unless they are modified by the Township Zoning Commission or Board of Township Trustees with specific findings that the general standards in Section 18-7, General Standards for Site Plan Approval, will still be met. Nothing in this section shall be deemed to enable modification of the average net density (dwelling units per acre) or intensity (impervious surface ratio) requirements for S-1 and S-2 applications.

18-4 COMPLIANCE

18-4.1 Compliance with Zoning Requirements

The listing of a use in the Table of Permissible Uses, subject to site plan review, does not constitute an assurance or presumption that a proposed site plan will be approved except as provided in Section 18-4.2, Compliance with Other Requirements. Rather, each proposed development plan shall be evaluated by the Township Zoning Commission and/or Board of Township Trustees, as the case may be, on an individual basis. This shall be done in relation to its compliance with the standards and conditions set forth in this Chapter and with the standards for the district in which it is located, in order to determine whether approval of the development plan is appropriate at the particular location and in the particular manner proposed.

18-4.2 Compliance with Other Requirements

Nothing in this Chapter shall be deemed to prohibit or unreasonably limit any use guaranteed by state or federal law.

18-5 REVIEW AND APPROVAL PROCEDURE FOR SITE PLANS

18-5.1 Pre-application Conference

Prior to preparing or submitting a complete application for Site Plan approval, an applicant shall meet with the Administrative Official to present the concept of the proposed development and to discuss the procedures and standards for development plan approval. The pre-application conference is intended to facilitate the filing and consideration of an innovative development plan and complete application consistent with adopted plans and applicable zoning regulations. No representation made by the Administrative Official during such conference or at any other time shall be binding upon the Township with respect to the application subsequently submitted.

18-5.2 Applicant

A Site Plan application may be filed with the Administrative Official by the owner or lessee of the subject property or other person having a legal or equitable interest in the subject property.

18-5.3 Application

An applicant shall file an application on a form or forms provided by the Administrative Official with a Site Plan. The plan for the use and development of the tract may be submitted as either:

- A. A conceptual plan showing the areas within which buildings, parking areas, and buffering are to be located accompanied by a detailed description on the plat identifying the permissible range or limits of size, type, and other pertinent details for buildings, buffer/landscape areas, parking areas, signage, lighting, access, circulation patterns, and other details as requested, or
- B. A detailed plan meeting the requirements of a Zoning Compliance Plan as defined in Chapter 2, Definitions. The Site Plan may be approved by the Township Zoning Commission in the case of a Minor Site Plan Review or by the Township Zoning Commission and/or the Board of Township Trustees in the case of a Major Site Plan Review, on the basis of such conceptual or detailed plan provided said plan otherwise complies with all regulations.

18-5.4 Site Plan Approval Procedures**18-5.4.1 For Minor Site Plan Review**

- A. Staff Report. Upon the receipt of a complete application, the Administrative Official shall prepare and transmit to the Township Zoning Commission prior to their public hearing, for minor site plan review, a written report incorporating or summarizing comments of other departments, agencies and officials. A recommendation ~~shall~~ may be included, setting forth whether the application for site plan review should be approved, approved with modifications, or denied and reasons for such recommendation. The staff report shall be submitted no later than forty-five (45) days after the complete application was submitted to the Township for consideration and at least five (5) days prior to the first scheduled public meeting on the minor site plan.
- B. Township Zoning Commission Review. The Township Zoning Commission shall review the minor site plan at the next regularly scheduled public meeting, in the manner prescribed in the adopted Organization, Procedure and Rules and Regulations of the Commission, and approve, approve with conditions, or deny the plan based on its compliance with the appropriate review standards.
- C. Findings. All decisions of the Township Zoning Commission shall be based on written findings of fact related to the relevant standards of this Zoning Resolution and other Codes or standards, as applicable.
- D. Notification of Township Zoning Commission Action. The Township Zoning Commission shall send written notice of its action on the application to the applicant, along with one (1) copy of the marked up plan, including notification of such decision to the Township Trustees within ten (10) days after such final action.

18-5.4.2 For Major Site Plan Review

- A. Staff Report. Upon receiving a complete application, the Administrative Official shall prepare and transmit to the Township Zoning Commission prior to their public hearing, for major site plan review, a written report incorporating or summarizing comments of other departments, agencies and officials. A recommendation ~~shall~~ may be included, setting forth whether the application for site plan review should be approved, approved with modifications, or denied and reasons for such recommendation. The staff report shall be submitted no later than thirty (30) days after the complete application was submitted to the Township for consideration and at least five (5) days prior to the first scheduled public meeting on the major site plan.
- B. Township Zoning Commission Review. The Township Zoning Commission shall review the major site plan at the next regularly scheduled public meeting and recommend to the Board of Township Trustees approval, approval with conditions, or denial of the plan based on its compliance with the appropriate review standards.
- C. Findings. All decisions of the Township Zoning Commission shall be based on written findings of fact related to the relevant standards of this Zoning Resolution and other Codes or standards, as applicable. These written findings of fact shall accompany the recommendation and be forwarded to the Board of Township Trustees for their review and action within ten (10) days of the decision.

- D. Board of Township Trustees Review. The Board of Township Trustees shall review the major site plan and recommendation of the Township Zoning Commission at the next regularly scheduled meeting.
- E. Findings. Within thirty-one (31) days from the date the Board of Township Trustees receives the recommendation of the Township Zoning Commission, the Board of Township Trustees shall approve, approve with conditions or deny the plan based on its compliance with the appropriate review standards and the evidence presented at the public meeting.
- F. Notification of the Board of Township Trustees Action. The Board of Township Trustees shall send written notice of its action on an application, along with one (1) copy of the marked up plan, to the applicant within ten (10) days after such final action.

18-5.5 Effect of PUD-Site Plan Approval

The approval of a Major or Minor Site Plan by the Township Zoning Commission or by the Board of Township Trustees, as being in compliance with standards of approval pursuant to Section 18-7, General Standards for Site Plan Approval, shall not be considered to be an amendment or supplement to this Zoning Resolution and, in accordance with Section 519.021 of the Ohio Revised Code, shall not be subject to referendum for the purpose of Section 519.12 of the Ohio Revised Code.

18-5.6 Period of Validity

Subject to an extension of time granted by the Sycamore Township Zoning Commission, no Site Plan (for S-1, S-2, or S-3 approvals) shall be valid for a period longer than one (1) year unless a building permit is issued.

18-6 COORDINATED REVIEW AND APPROVAL OF APPLICATIONS

When an application for approval of a Site Plan also requires a zone amendment or any other zoning approvals, the applicant shall indicate that fact on the application when submitted to the Administrative Official. At the time of filing the application for a Site Plan, applications shall be filed with the Township Zoning Commission for all other required approvals.

18-6.1 Notice of Applications for Additional Approvals

- A. Whenever an applicant files an application for other approvals pursuant to this Section, all required notices shall include reference to the request for any and all additional approvals.
- B. For Major Site Plan Review (Section 18-5.4.2), the Township may, at their discretion, schedule both the Township Zoning Commission and Board of Township Trustees public meetings at one time, provided that adequate notice is provided advertising the meeting dates, times and locations of both meetings.

18-6.2 Procedures and Action

Whenever an applicant files applications for other approvals pursuant to this Section, the Township Zoning Commission and Board of Township Trustees shall review and process all such applications at the same public hearing. In reviewing such combined applications, the Township Zoning Commission and Board of Township Trustees shall, except as hereinafter provided with respect to limitations on the time for taking action, comply with all of the provisions of this Resolution applicable to each of the applications.

Any such combined application shall be acted on within the longest time period applicable to any one of the individual applications or within such further time as may be consented to by the applicant. The

Administrative Official shall issue notices and certificates of such action in accordance with the provisions of this Resolution applicable to the various applications involved.

18-7 GENERAL STANDARDS FOR SITE PLAN APPROVAL

In determining whether a Site Plan filed pursuant to this Chapter shall be approved or recommended for approval, the Administrative Official, the Township Zoning Commission, and the Board of Township Trustees, the following general standards shall apply:

- A. Compliance with this Zoning Resolution and with the purposes of the Zone District in which the proposed use and development is to be located;
- B. Applicability of and consistency with adopted objectives and policies of the Township related to land use and township plans duly adopted by the Township Zoning Commission;
- C. Compatibility with surrounding land uses;
- D. Whether the size and physical features of the project area enable adequate protection of surrounding property and orderly and coordinated improvement of property in the vicinity of the site;
- E. Whether the proposed phasing of the development is appropriate and the development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant;
- F. Whether the proposed development is served adequately and efficiently by essential public facilities and services which are in existence or are planned;
- G. Whether significant scenic or historic features, as identified in plans duly adopted by the Township Zoning Commission, are adequately conserved;
- H. Whether modifications of the zoning or other regulations are warranted by the innovative design of the development plan;
- I. The adequacy of proposed pedestrian circulation system to insulate pedestrian circulation from vehicular movement;
- J. The adequacy of existing infrastructure (utilities, road capacity) in relation to the impact of the proposed use(s).
- K. The adequacy of the provisions for visual and acoustical privacy.

18-8 ZONING COMPLIANCE PLAN - CERTIFICATION OF SITE PLAN COMPLIANCE

18-8.1 Review

Upon receipt from the applicant of an application for a Zoning Compliance Plan certification, the Administrative Official shall review the application to determine if it is complete pursuant to Chapter 20, Zoning Certificates, General Application Procedures and Fees, including any modifications required in conjunction with the approval by the Township Zoning Commission or by the Board of Township Trustees, as the case may be.

18-8.2 Conveyance

Any land identified on the Site Plan as common open space to be conveyed to an owners association, shall be so conveyed subject to a covenant restricting the common open space to the uses specified in the Zoning Compliance Plan and providing for the maintenance of the common open space in a manner which assures its use for the purposes intended. All such conditions, easements and open space covenants shall specifically provide for enforcement by the Township.

18-8.3 Decision

Within seven (7) days of receipt of the completed application, the Administrative Official shall either:

- A. Certify that the Zoning Compliance Plan complies with the approved Site Plan; or
- B. Refuse to certify the Zoning Compliance Plan for lack of compliance with the approved Site Plan.

18-8.4 Effect

A Zoning Compliance Plan as finally approved and certified in accordance with the provisions of this Chapter shall not be modified, except pursuant to Section 18-9, Adjustments to Site Plans.

18-9 ADJUSTMENTS TO SITE PLANS

Adjustments to an approved site plan or previously approved Zoning Compliance Plan may be considered minor or major and shall be reflected on an amended Zoning Compliance Plan. Such adjustments may be considered, provided there is no modification of written conditions of approval or of recorded easements. Further, any modifications must be in substantial conformity with the intent of the site plan approval. For any adjustments of a technical or engineering nature, the applicant shall submit a report from the appropriate public agency assuring compliance with agency regulations.

18-9.1 Minor Adjustments

The Administrative Official has the authority to consider and take action on minor adjustments through the procedure defined in Section 18-8, Zoning Compliance Plan – Certification of Site Plan Compliance without a public hearing. Minor adjustments shall be the minimum necessary to overcome a particular difficulty or to achieve a more functional and desirable use of the property than was initially anticipated. No adjustment shall result in a violation of any standard or requirement of this Resolution nor create or extend any previously approved variance. Minor adjustments shall be limited to altering the location of structures, circulation elements, open space or grading where such alterations will comply with the intent of all perimeter setbacks and buffer yards that are required by any regulation or by the approved site plan. The Administrative Official shall send written notice of its action to the applicant within ten (10) days after such final action.

18-9.2 Major Adjustments

Any adjustment to the site plan within the criteria of Section 18-9, Adjustments to Site Plans, but not authorized by Section 18-9.1, Minor Adjustments, shall be considered a major adjustment. The Township Zoning Commission, following notice to all property owners whose properties are located within two-hundred (200) feet of the property, shall hold a public hearing forty-five (45) days of receipt of the completed Zoning Compliance Plan application. At the conclusion of the public hearing, the Township Zoning Commission shall make a written recommendation to the Board of Township Trustees to approve, deny, or add conditions for the application for a major adjustment to the site plan. Following the Township Zoning Commission hearing, the Board of Trustees, following notice to all property owners whose properties are located within two-hundred (200) feet of the PUD site plan development, shall hold a public hearing within forty-five (45) days after receipt of the recommendation by the Township Zoning Commission. At the conclusion of the public hearing, the Board of Township Trustees shall approve, deny, or approve with modifications or conditions. The Board of Township Trustees shall send written notice of its action to the applicant within ten (10) days after such final action.

18-10 APPEALS

18-10.1 Appeal of Administrative Official’s Decision

Any party aggrieved by the decision of the Administrative Official concerning the certification of a Zoning Compliance Plan in the case of an approval or a decision regarding a minor adjustment (S-1), may appeal within thirty (30) days of the date of decision to the Township Zoning Commission.

18-10.2 Appeal of Sycamore Township Zoning Commission Decision

Any party aggrieved by the administrative decision of the Sycamore Township Zoning Commission for a Minor Site Plan Review (S-12) may appeal within thirty (30) days of the date of decision to the Board of Township Trustees.

18-10.3 Appeal of Board of Township Trustee’s Decision

Any party aggrieved by the administrative decision of the Board of Township Trustees in the case of a Major Site Plan Review (S-23) approval, or a decision on an appeal pertaining to a Major Site Plan adjustment, may appeal to the Court of Common Pleas of Hamilton County, as per the Ohio Revised Code, on the ground that such decision was unreasonable or unlawful.

CHAPTER 19 – DECISION MAKING/ADMINISTRATIVE BODIES AND OFFICIALS

19-1 DECISION MAKING RESPONSIBILITIES

The following table provides a summary of the decisions and applicable decision makers for each of the determinations to be made in this Chapter.

<u>Table 19-1 Summary Table of Procedures and Decision Making Roles</u>					
	<u>Township Trustees</u>	<u>Zoning Commission</u>	<u>Board of Zoning Appeals</u>	<u>Zoning Inspector</u>	<u>Administrative Official</u>
<u>Administrative Adjustments</u>			√		√
<u>Amendments to Code</u>	√	√			
<u>Appeals</u>			√		
<u>Conditional Uses</u>			√		
<u>Enforcement</u>				√	√
<u>Site Plan Review</u>	√	√			
<u>SPI Plan Review</u>		√			
<u>Variances</u>			√		
<u>Zoning Certificate Issuance</u>				√	
<u>Zoning Compliance Plan</u>		√			√

19-2 SYCAMORE TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

The Sycamore Township Board of Township Trustees (Board of Township Trustees) has the following powers and duties in connection with the implementation of this Resolution:

- A. To initiate by resolution amendments or supplements to the text of this Resolution and to the Zoning Map;
- B. To consider and adopt, reject or modify amendments or supplements to the text of this Resolution and to the Zoning Map;
- C. To consider and approve, approve with conditions, or disapprove PUD-Plans for PUDS-2's (~~planned unit~~ developments requiring Board of Township Trustees final site plan approval);
- D. To modify specific requirements in this Resolution for lot areas, height, yards (buffers), perimeter setbacks, parking, landscaping, signs, lighting, and noise in PUDS-2's after making specific findings of compliance with general standards
- E. To hear and decide appeals concerning planned unit developments site plan review pursuant to Chapter 18, Sections 18-10.1, Appeal of Sycamore Township Zoning Commission Decision, and 18-10.2, Appeal of Administrative Official's Decision;
- F. To take such other actions not delegated to other bodies that may be desirable and necessary to implement the provisions of this Resolution.

19-3 SYCAMORE TOWNSHIP ZONING COMMISSION

19-3.1 *Membership*

The Sycamore Township Zoning Commission (Township Zoning Commission) consists of (5) members, appointed by the Board of Township Trustees, who must be residents of the unincorporated territory of Sycamore Township.

19-3.2 Jurisdiction and Authority

The Township Zoning Commission has the following powers and duties in connection with the implementation of this Resolution:

- A. To submit a plan, including both text and maps, representing its recommendations for the carrying out, by the Board of Township Trustees, of the powers, purposes and provisions set forth in the Ohio Revised Code;
- B. To initiate amendments to this Resolution, to certify amendment requests to the Zoning Commission, to cause required notice and public hearings to be held, and to determine the extent and method of additional notice beyond that required;
- C. To make recommendations to the Board of Township Trustees on proposed amendments to this Resolution and on ~~PUD~~Plans for ~~PUDS~~-2's (~~planned-unit~~ developments requiring Board of Township Trustees final site plan approval for increases in development intensity);
- D. To approve ~~PUD~~Plans for ~~PUDS~~-1's (~~planned-unit~~ developments requiring Zoning Commission final site plan approval for increases in development intensity or clustering of single family density);
- E. To hear and decide appeals of the decision of the Administrative Official concerning the certification of a Zoning Compliance Plan for a ~~PUDS~~-1;
- F. To maintain a file on the Official Zoning District Map(s);
- G. To modify supplemental regulations in SPI Special Public Interest Districts after public hearing in accordance with conditions and limits;
- H. To determine required setbacks for parking along entry drives based on traffic generation and parking lot size;
- I. To modify landscaping requirements for off-street parking areas;
- J. To prepare Development Plan Guidelines for outdoor lighting;
- K. To approve localized alternative sign regulations ~~in Planned Unit Developments~~;
- L. To review woodland preservation plans and reduce the required number of parking spaces up to ten percent (10%) and vary the intensity up to ten percent (10%) of the district limits for ~~PUD's~~site plan developments;
- M. To review riparian buffer plans and reduce or eliminate requirements for landscaping and buffer yards;
- N. To modify or waive buffer yard and landscaping requirements consistent with general standards and the spirit and intent of the Resolution;
- O. To modify the minimum area requirement for ~~Planned Unit D~~developments requiring site plan review;
- P. To approve major adjustments to Zoning Compliance Plans, not requiring a modification of written conditions of approval or recorded easements, after public hearing;
- Q. To modify specific requirements in this Resolution for lot areas, height, yards (buffers), perimeter setbacks, parking, landscaping, signs, lighting, and noise in ~~PUDS~~-1's after making specific findings of compliance with general standards.
- R. To prepare and update, for consideration of adoption by the Board of Township Trustees, the following specific plans:
 1. Sycamore Township Zoning Resolution
 2. Township Corridor studies
 3. Township Land Use Plans
 4. Township Coordinated Land Use Plan

19-3.3 Officers

The officers of the Zoning Commission are a Chairman and a Vice-Chairman and such other officers as it may provide for in the adopted Organization, Procedure and Rules and Regulations of the Township Zoning Commission.

19-3.4 Meetings; Records

The Township Zoning Commission holds meetings and makes and keeps a record of all meetings in the manner prescribed in the adopted Organization, Procedure and Rules and Regulations of the Commission.

19-3.5 Quorum and Vote

The quorum of the Commission and matters requiring a vote are defined in the adopted Organization, Procedure and Rules and Regulations of the Township Zoning Commission.

19-3.6 Conflicts

No member of the Township Zoning Commission may participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by state law, including but not limited to a pecuniary or familial interest relating to any matter before the Township Zoning Commission. Members are removable for nonperformance of duty, misconduct in office or other cause by the Board of Township Trustees upon written charges having been filed with the Board of Township Trustees and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally, or by registered mail, or by leaving the same at his usual place of residence. The member must be given an opportunity to be heard and answer such charges. Vacancies are filled by the Board of Township Trustees and are for the unexpired term.

19-4 BOARD OF ZONING APPEALS**19-4.1 Membership**

The Board of Zoning Appeals (BZA) consists of five (5) members, appointed by the Board of Township Trustees, who must be residents of Sycamore Township. The terms of all members must be of such length and so arranged that the term of one (1) member will expire each year. Each member serves until a successor is appointed and qualified. Vacancies are filled by the Board of Township Trustees and are for the unexpired term.

19-4.2 Jurisdiction and Authority

The BZA has the following powers and duties in connection with the implementation of this Resolution:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Resolution pursuant to the procedures and standards set forth in Chapter 22, Appeals to the Board of Zoning Appeals;
- B. To authorize variances from the terms of this Resolution pursuant to the procedures and standards for variances set forth in Chapter 21, Variances;
- C. To decide conditional use requests pursuant to the procedures and standards set forth in Chapter 17, Conditional Uses.

19-4.3 Officers

The officers of the Board of Zoning Appeals are a Chairman and a Vice-Chairman and such other officers as it may provide for in the adopted Organization, Procedure and Rules and Regulations of the BZA.

19-4.4 Minutes; Records

The Board of Zoning Appeals holds meetings and keeps a record of all meetings in the manner prescribed in the adopted Organization, Procedure and Rules and Regulations of the BZA.

19-4.5 Quorum and Vote

The quorum of the BZA and matters requiring a vote are defined in the adopted Organization, Procedure and Rules and Regulations of the Board.

19-4.6 Conflicts

No member of the BZA may participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by state law, including but not limited to a pecuniary or familial interest relating to any matter before the BZA. Members are removable for nonperformance of duty, misconduct in office or other cause by the Board of Township Trustees upon written charges having been filed with the Board of Township Trustees and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally, or by registered mail, or by leaving the same at his usual place of residence. The member must be given an opportunity to be heard and answer such charges. Vacancies are filled by the Board of Township Trustees and are for the unexpired term.

19-5 ZONING INSPECTOR

The Zoning Inspector has the following powers and duties in connection with the implementation of this Resolution:

- A. To administer and enforce this Resolution;
- B. To issue various Zoning Certificates for buildings, structures or uses certifying compliance with the provisions of this Resolution and to deny or revoke such Certificates due to lack of compliance;
- C. To certify that completed buildings, structures or uses comply with the provisions of this Resolution and supplemental conditions of approval;
- D. To investigate and resolve all complaints which allege violation of this Resolution;
- E. Periodically inspect all planned development district projects installed prior to the enactment of this Resolution, and all projects encumbered by covenants, and other such conditions imposed by this Resolution;
- F. To inspect all projects controlled by this Resolution to ensure that provisions required herein which require perpetual maintenance, adjustment or revision, as so maintained, adjusted, or revised;
- G. To estimate the extent of damage or destruction of a structure housing a nonconforming use pursuant to Chapter 9, Nonconformities, Sections 9-2.8, Damage or Destruction (Nonconforming Uses) and 9-3.4, Damage or Destruction (Noncomplying Structures);
- H. To inventory, provide notice and maintain a public record of existing and new legal nonconformities and to review and approve applications for nonconforming use Zoning Certificates.

19-6 ADMINISTRATIVE OFFICIAL

The Administrative Official has primary responsibility for administering the duties of the Township Zoning Commission as required by this Resolution. These duties may be assigned to one or more individuals by the administrative head of the Township Zoning Commission. The staff person or persons to whom such administrative functions are assigned shall be referred to in this Resolution as the "Administrative Official". The Administrative Official has the following powers and duties in connection with the implementation of this Resolution:

A. To review all submitted applications for completeness.

- A.B. To determine completeness of rezoning applications and to make recommendations on proposed amendments to the text of this Resolution and the Zoning Map to the Township Zoning Commission and to the Board of Township Trustees;
- B.C. To schedule, provide notice of, and conduct public prehearing conferences required by this Resolution or by Township Zoning Commission Bylaws;
- C.D. To make recommendations on proposed conditional uses to the BZA;
- D.E. To make recommendations on proposed PUD's site plans to the Township Zoning Commission and the Board of Township Trustees;
- E.F. To make recommendations on proposed localized alternative sign regulations to the Township Zoning Commission;
- F.G. To make recommendations on proposed modifications and waivers of standards for buffer yards to the Township Zoning Commission;
- G.H. To maintain an official record of buffer agreements between different owners of adjacent parcels;
- H.I. To administer revocation of zoning certificates and assessment of penalties for violation of sign regulations;
- I.J. To review and certify compliance of Zoning Compliance Plans with PUD Site Plans;
- J.K. To review and certify compliance of off-street parking plans for five or more vehicles submitted with applications for zoning certificates;
- K.L. To review and certify compliance of buffer plans submitted with applications for zoning certificates;
- L.M. To determine compliance with general criteria for:
1. Minimum landscape requirements for screening ground-mounted antennas;
 2. Maximum hours and days of operation, maximum traffic, adequacy of off-street parking, adequacy of the parcel size, traffic access and absence of undue adverse impact on other properties for temporary uses;
 3. Bulk and yard requirements for temporary tents;
 4. Required parking spaces for uses not expressly listed herein;
 5. Joint use of required parking spaces;
 6. Access to and from loading spaces;
 7. Reduction of landscape requirements in lieu of woodland preservation;
- M.N. To authorize minor adjustments in Zoning Compliance Plans for PUD's site plans in accordance with criteria for approval of final location of structures, circulation elements, open space, and landscape buffers;
- N.O. To authorize minor adjustments in type of landscape elements for PUD Site Plan Zoning Compliance Plans;
- O.P. To make recommendations to the Board of Township Trustees regarding establishment and revision of fees for Zoning Certificates and applications;
- P.Q. To hold pre-application conferences with PUD-site plan applicants to review and advise on proposed development concepts;
- Q.R. To determine completeness of applications;
- R.S. To make administrative interpretations of zoning regulations and permitted and conditional uses in accordance with standards for such interpretation.

CHAPTER 20 – ZONING CERTIFICATES, GENERAL APPLICATION PROCEDURES AND FEES

20-1 ZONING CERTIFICATE

Except as expressly provided otherwise in this Resolution, no land shall be occupied or used and no building, structure or sign shall be located, constructed, reconstructed, enlarged or structurally altered, nor work commenced upon the same, nor occupied or used in whole or part for any purpose whatsoever until the Zoning Inspector has issued a Zoning Certificate. The Zoning Certificate shall state the zoning districts in which the proposed use is located and that the proposed uses and structures comply with the provisions of this Resolution. The Zoning Certificate shall also identify whether the proposed use is a Permitted Use, a ~~Planned Unit~~ Site Plan Development, a Conditional Use, or a Nonconforming Use. 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 Certificate issued by the Zoning Inspector. No Zoning Certificate shall be issued to make a change unless the changes are determined by the Zoning Inspector to be in conformity with the provisions of this Resolution.

20-1.1 ***Existing Violations***

No Zoning Certificate will be issued if code violations exist on the premises until the violations have been corrected.

20-1.2 ***Application for Zoning Certificate***

Application for a Zoning Certificate of the type required by the provisions of this Resolution shall be made to the Zoning Inspector prior to the application for a construction permit at the Hamilton County Division of Building Inspections. A record of all Zoning Certificates issued shall be kept on file in the office of the Zoning Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the property or building affected.

20-1.3 ***Zoning Compliance Plan***

Each application for a zoning certificate shall be accompanied by a specified number of zoning compliance plans and construction drawings, drawn to scale. One (1) copy of the Plan shall be returned to the applicant when approved by the Zoning Inspector. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey by a registered surveyor. The lot and location of the building or structure thereon shall be staked out on the ground before construction is started.

Applications that include multi-tenant structures (i.e. condominiums, apartments, office buildings, shopping centers) shall identify the address and unity number of each unit within a building on the Zoning Compliance Plan and no such unit(s) shall be consolidated or divided prior to issuance of a Zoning Certificate authorizing such division or consolidation.

20-1.4 ***Fee***

The fee for a Zoning Certificate shall be established, from time to time, by the Board of Township Trustees upon recommendation of the Administrative Official.

20-1.5 ***Period of Validity***

Subject to an extension of time by the Administrative Official, no Zoning Certificate shall be valid for a period longer than one (1) year unless a building permit application is submitted in compliance with the zoning certificate.

20-2 GENERAL APPLICATION PROCEDURES

All applications for zoning amendments, Zoning Certificates, or any other type of approval required by the provisions of this Resolution shall be submitted in accordance with the following procedures.

20-2.1 Application

Submission of an application on a form or forms provided by the Administrative Official shall be required for zoning amendments, Zoning Certificates, or any other type of approval required by the provisions of this Resolution.

20-2.2 Determination of Completeness of Any Application

Within eight (8) days after receipt of an application for an approval described in Section 20-2.1, Application, the Administrative Official shall determine if the application is complete. If the applicant is unable to furnish the required plans, fees or forms, then the applicant will be notified.

20-2.3 Effect of Determination

The time limits for completion of the application review and the rendering of a final decision or Certification of Compliance as provided for specifically in the chapters of this Resolution governing approvals of zoning amendments, Zoning Certificates, or any other type of approval required by the provisions of this Resolution, shall commence on the date that the Administrative Official determines that the application is complete.

20-3 FEES

The following shall dictate fees as identified by this zoning ordinance:

- A. A schedule of non-refundable fees in connection with applications for a zoning amendment, a Zoning Certificate, or any other type of approval required by the provisions of this Resolution shall be established by the Board of Township Trustees and revised from time to time upon recommendation by the Administrative Official.
- B. The current Fee Schedule shall be made available upon request at the office of the Administrative Official.
- C. If plan review is stopped or plans are withdrawn at the request of an applicant, there shall be no refund in the application and review fees paid. If the applicant decides to resubmit plans or continue review after requesting the stoppage, the request shall be accompanied by another non-refundable fee in connection with that application.

20-4 ZONE DISTRICT CERTIFICATION

The existing zoning of a specified parcel or parcels can be certified by the Administrative Official upon receipt of the applicable fee and a type written request to the Sycamore Township Zoning Commission specifying the property's Book, Page and Parcel number and street address.

CHAPTER 21 – VARIANCES

21-1 PURPOSE

The variance procedure is intended to provide a means by which relief may be granted from unforeseen particular applications of this Resolution that create practical difficulties or particular hardships. When such difficulties or hardships may be more appropriately remedied (e.g. requesting an amendment to the Resolution or a zone district change), if at all, pursuant to other provisions of this Resolution, the variance procedure is inappropriate. Financial difficulties are not a reason to request or expect a variance to be granted.

21-2 AUTHORITY

The Board of Zoning Appeals (BZA), pursuant to Section 519.14 of the Ohio Revised Code, shall have the authority to grant variances from the provisions of this Resolution, but only in compliance with the procedures, specific instances, and in accordance with each of the standards enumerated in this Chapter.

21-3 PARTIES ENTITLED TO SEEK VARIANCES

Applications for a variance may be filed on forms approved by the BZA by any person having a legal or equitable interest in the property affected.

21-4 PROCEDURE

21-4.1 *Application*

An application for a variance shall be filed with the Administrative Official ~~of the Board~~. Application requirements shall be established by Resolution by the BZA.

21-4.2 *Public Hearing*

Upon receipt of a complete application for a variance, the BZA shall, within a reasonable length of time but no longer than sixty-two (62) days from the receipt of the application, hold a hearing. Notice of the public hearing shall be given in writing to the property owners within two-hundred (200) feet of the subject property and by one (1) publication in one or more newspapers of general circulation in the Township, at least ten (10) days before the date of the public hearing. Upon the hearing, any party may appear in person or by attorney.

21-4.3 *Action by Board of Zoning Appeals*

Within thirty (30) days following the close of the public hearing, the BZA shall render its decision, granting or denying the variance pursuant to the standards and procedures set out in this Chapter. The BZA may delay its decision pending revised plats or plans that may be required.

21-4.4 *Special Procedures in Connection with Other Applications*

Whenever it is determined a variance is needed in addition to a Zone Amendment, Conditional Use approval or Zoning Compliance Plan approval, the BZA shall not decide an application for such variance until a final approval has been rendered by the Township Zoning Commission and/or the Board of Township Trustees, as applicable.

21-5 AUTHORIZED VARIANCES

21-5.1 *Permitted Variances*

Subject to the prohibitions set forth below, and subject to the other provisions of this Resolution, the BZA may vary the provisions of this Resolution in the following cases and in no others:

- A. To vary the yard and bulk (but not the impervious surface ratio) requirements of any zoning district, except where such requirements are approved in accordance with a PUD-Site Plan;
- B. To reduce by not more than twenty-five percent (25%) or one space, whichever is greater, the minimum number of off-street parking spaces or loading spaces otherwise required;
- C. To vary the number of parking or loading spaces required in connection with a change of use or an increase in use intensity of an existing structure.

21-6 STANDARDS FOR VARIANCES

21-6.1 *General Standard*

No variance shall be granted pursuant to this Chapter that is greater than the minimum variation necessary to relieve the unnecessary hardship or practical difficulty demonstrated by the applicant. Such a showing shall require proof that the variance being sought satisfies each of the standards set forth in this Section.

21-6.2 *Unique Physical Condition*

The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or the extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

21-6.3 *Not Self-Created*

The unique physical condition for which the variance is being requested is not the result of any action or inaction of the owner or his predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Resolution, for which no compensation was paid.

21-6.4 *Denied Substantial Rights*

The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

21-6.5 *Not Merely Special Privilege*

The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property. However, where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variance.

21-6.6 Resolution Purposes

The variance would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Resolution and the provision from which a variance is sought were enacted.

21-6.7 Essential Character of the Area

The variance would not:

- A. Result in a use or development on the subject property that would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity;
- B. Materially impair an adequate supply of light due to adverse location of shadow to the properties and improvements in the vicinity;
- C. Substantially increase hazardous conditions in the public streets due to traffic or parking;
- D. Unduly increase the danger of flood or fire;
- E. Unduly tax public utilities and facilities in the area; or
- F. Endanger the public health or safety.

21-7 VARIANCE LESS THAN REQUESTED

A variance less than or different than that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.

21-8 CONDITIONS ON VARIANCES

The BZA may impose such specific conditions and limitations concerning construction, character, location, landscaping, screening and other matters relating to the purposes and objectives of this Resolution upon the premises benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Such conditions shall be expressly set forth in the resolution granting the variance. Violation of any such condition or limitation shall be a violation of this Resolution and shall constitute grounds for revocation of the variance.

21-9 EFFECT OF GRANT OF VARIANCE

The grant of a variance shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure. It shall merely authorize the preparation, filing and processing of applications for any permits and approval that may be required by Township regulations, including, but not limited to, a Zoning Certificate, a building permit, a certificate of occupancy, and subdivision approval.

21-10 LIMITATIONS ON VARIANCES

Subject to an extension of time granted upon application to the BZA, no variance shall be valid for a period longer than six (6) months unless applications for permits or approvals referenced in Section 21-9, Effect of Grant of Variance have been filed, building permits issued and construction is diligently pursued to completion.

A variance shall be deemed to authorize only the particular construction or development for which it was issued and shall automatically expire and cease to be of any force or effect if such construction or development shall be removed and not replaced within six (6) months following such removal unless extended in writing by the BZA.

CHAPTER 22 – APPEALS TO THE BOARD OF ZONING APPEALS

22-1 PURPOSE

The purpose of this Chapter is to set forth the standards and procedures by which administrative relief may be taken from any order, requirement decision or determination made by the Administrative Official.

22-2 AUTHORITY

The Board of Zoning Appeals (BZA) shall have authority to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Resolution.

22-3 PARTIES ENTITLED TO APPEAL

An appeal to the BZA may be taken by any person aggrieved or by any ~~Officer~~ official of the Township affected by any decision of the Administrative Officer.

22-4 PROCEDURE

Appeals to the BZA shall be taken in accordance with the following procedures.

22-4.1 *Notice of Appeal*

Appeals to the BZA shall be taken within twenty (20) days following the order, requirement, decision, or determination being appealed by filing with the Officer from whom the appeal is taken and with the BZA, in such number of duplicate copies as the BZA may from time to time require, a notice of appeal specifying the grounds therefore.

22-4.2 *Fees*

Nonrefundable application and hearing fees shall accompany the notice of appeal. Such fees are established by the BZA, from time to time with the approval of the Board of Township Trustees, to help defray administrative costs and costs of a hearing.

22-4.3 *Stay of Proceeding*

An appeal to the BZA shall stay all proceedings in furtherance of the action in respect to which the appealed order, requirement, decision or determination was made unless the Officer from whom the appeal is taken certifies to the BZA, after the notice of appeal shall have been filed, that by reason of facts stated in writing to the BZA a stay would, in that Officer’s opinion, cause imminent peril to life ~~of~~ or property. In such case, proceedings shall not be stayed other than by an order of the Court of Common Pleas of Hamilton County upon notice to the BZA and to the Officer, and on due cause shown.

22-4.4 Public Hearing Notice

Upon receipt of the notice of appeal, the BZA shall, within a reasonable length of time but no longer than sixty-two (62) days from the receipt of the notice of appeal, hold a hearing of the appeal in accordance with its procedures as provided in Section 22-4, Procedure. Notice of the public hearing shall be given in writing to the property owners within two-hundred (200) feet of the subject property and by one (1) publication in one or more newspapers of general circulation in the Township, at least ten (10) days before the date of the public hearing. Upon the hearing, any party may appear in person or by attorney.

22-4.5 Action by Board of Zoning Appeals

Within ~~one hundred twenty (120)~~ sixty (60) days following the filing of a notice of appeal and within thirty (30) days after the closing of the public hearing, the Board shall render its decision on the appeal. Such decision may reverse or affirm, wholly or in part, or may modify the appealed order, requirement, decision or determination. The failure of the Board to render a decision within the one-hundred twenty (120) days, or such longer period of time as may be agreed to by the applicant, shall constitute a decision favorable to the applicant. Within ten (10) days following such decision or the expiration of such period without a decision, the Board shall publish notice and mail a certificate of such decision or failure to act to all parties entitled thereto.

22-5 RIGHT TO GRANT VARIANCE IN DECIDING APPEALS

In any case where the notice of appeal is accompanied by an application for a variance in accordance with Chapter 21, the BZA may grant a variance as part of the relief sought on approval, but only in strict compliance with each of the provisions of Chapter 21, Variances.

22-6 APPEAL OF DECISION

Any party adversely affected by a decision of the BZA may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.

CHAPTER 23 – ADMINISTRATIVE INTERPRETATIONS

23-1 AUTHORITY

The Administrative Official, subject to the procedures, standards, and limitations of this Chapter, may render interpretations, including use interpretations, of the provisions of this Resolution and of any rule or regulation issued pursuant to it.

23-2 PURPOSE

The interpretation authority established by this Chapter is intended to recognize that the provisions of this Resolution, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied. Many such situations, however, can be readily addressed by an interpretation of the specific provisions of this Resolution in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this Resolution but rather is intended only to allow authoritative application of that content to specific cases.

23-3 PARTIES ENTITLED TO SEEK INTERPRETATIONS

Applications for interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation; provided that interpretations shall not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.

23-4 PROCEDURE

23-4.1 Application

Applications for interpretations of this Resolution shall be filed on a form provided by the Administrative Official and shall contain the following information:

- A. The specific provision or provisions of this Resolution for which an interpretation is sought.
- B. The facts of the specific situation giving rise to the request for an interpretation.
- C. The precise interpretation claimed by the application to be correct or incorrect.
- D. When a use interpretation is sought, the use permitted pursuant to the present zoning classification of the subject property that is claimed by the applicant to include, or to be most similar to, the proposed use.
- E. When a use interpretation is sought, documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.

23-4.2 Action on Application

Within thirty (30) days following the receipt of an application for interpretation determined to be complete pursuant to Chapter 20, Zoning Certificates, General Application Procedures and Fees, Section 20-2.2, Determination of Completeness of Any Application, the Administrative Official shall inform the applicant in writing of his interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based. The failure of the Administrative Official to act within thirty (30) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application rendered on the day following such thirty (30) day period.

23-4.3 Appeal

Appeals from interpretations rendered by the Administrative Official may be taken to the Board of Zoning Appeals (BZA) pursuant to Chapter 22.

23-5 STANDARDS FOR USE INTERPRETATIONS

The following standards shall govern the Administrative Official and the BZA on appeals from the Administrative Official in issuing use interpretations:

- A. Any use defined in Chapter 2, Definitions of this Resolution shall be interpreted as therein defined.
- B. No use interpretation shall permit any use in any district unless evidence shall be presented that demonstrates that it will comply with each use limitation established for that particular district.
- C. No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or specially permitted in a more restrictive district.
- D. If the proposed use is more closely similar to a use permitted only as a conditional use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a Conditional Use Zoning Certificate and all the specific criteria where appropriate for such use pursuant to Chapter 17, Conditional Uses.
- E. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.

23-6 EFFECT OF FAVORABLE USE INTERPRETATIONS

No use interpretation finding that a particular use to be permitted or specially permitted in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the regulations of the Township including, but not limited to: a zoning certificate, a building permit, a certificate of occupancy, subdivision approval, and development plan approval.

23-7 LIMITATIONS ON FAVORABLE USE INTERPRETATIONS

Subject to an extension of time granted by the Administrative Official, no use interpretation finding a use to be permitted or specially permitted in a particular district shall be valid for a period longer than six (6) months from the date of issuance unless applications for permits or approvals referenced in Section 23-6, Effect of Favorable Use Interpretations, have been filed, building permits issued, and construction is diligently pursued to completion.

A use interpretation, finding a particular use to be permitted or specially permitted in a particular district, shall be deemed to authorize only the specific use for which it was issued. Such permit shall not be deemed to authorize any allegedly similar use for which a separate use interpretation has not been issued. Such permit shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall for any reason be discontinued for a period of six (6) consecutive months or more, unless extended in writing by the Administrative Official or the BZA.

23-8 APPEALS FROM ADMINISTRATIVE DECISIONS

23-8.1 Procedure

The BZA shall hear and decide appeals in accordance with the provisions in Chapter 22, Appeals to the Board of Zoning Appeals.

CHAPTER 24 – ENFORCEMENT

24-1 COMPLAINTS REGARDING VIOLATIONS

Whenever the Zoning Department receives a written, signed complaint alleging a violation of this Resolution, he/she shall investigate the complaint within a reasonable amount of time and take whatever action is warranted, and inform the complainant in writing as to what actions have been or will be taken.

24-2 PERSONS LIABLE

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Resolution may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

24-3 PROCEDURES UPON DISCOVERY OF VIOLATIONS

24-3.1 *Written Notice*

If the Zoning Inspector finds that any provision of this Resolution is being violated, a written final notice (the initial written notice may be the final notice) shall be sent by certified or registered mail, return receipt requested. It shall state what action the Zoning Inspector intends to take if the violation is not corrected and shall advise that the Zoning Inspector's decision or order may be appealed to the Board of Zoning Appeals in accordance with the provisions of Chapter 22, Appeals to the Board of Zoning Appeals. Additional written notices may be sent at the Zoning Inspector's discretion.

24-3.2 *Compliance Timeframe*

Upon receipt of any complaint filed with the Zoning Department, the Zoning Inspector or Administrative Official shall, within a reasonable length of time but no longer than ten (10) days from the receipt of the complaint or investigation, investigate and determine if compliance is required in accordance with its procedures as provided in this Section .

24-3.3 *Citation*

If no action is taken within the time period allowed for correction, cessation, or appeal to the BZA, a citation shall be issued. The violator shall within twenty (20) days pay the citation to the Clerk of Courts or the matter will be scheduled for court hearing. If no action is taken within these twenty (20) days, additional citations may be issued each day the violation remains in noncompliance. Each day the violation occurs after the citation is issued is a separate offense.

24-3.4 *Emergency Enforcement*

Notwithstanding the foregoing, in cases when delay would seriously pose a danger to the public health, safety, or welfare, the Zoning Inspector may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this Section.

24-4 PENALTIES AND REMEDIES FOR VIOLATIONS

24-4.1 *Civil Penalty and Appeals*

Any act constituting a violation of the provisions of this Resolution or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Conditional Use Zoning Certificates or Zoning Compliance Plan approval, shall subject the offender to a civil penalty. A civil penalty may not be appealed to the BZA if the offender was sent a final notice of violation in accordance with Section 24-3, Procedures Upon Discovery of Violations and did not appeal to the BZA within the prescribed time.

24-4.2 *Other Enforcement Actions*

This Resolution may also be enforced by any appropriate equitable action.

24-4.3 *Multiple Citations*

Each day that any violation occurs or continues (for each citation) after notification by the Zoning Inspector that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in Ohio Revised Code Chapter 519.

24-4.4 *Multiple Remedies*

Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Resolution.

24-5 ZONING CERTIFICATE REVOCATION

24-5.1 *Grounds for Revocation*

A Zoning Certificate may be revoked by the Zoning Inspector in accordance with the provisions of this section if the recipient of the certificate fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Chapter, or any additional requirements lawfully imposed in connection with the issuance of the Zoning Certificate.

24-5.2 *Procedure*

Before a Zoning Certificate may be revoked, all of the notice, hearing and other requirements shall be complied with. The notice shall inform the certificate holder of the alleged grounds for the revocation.

- A. The burden of presenting evidence sufficient to authorize the Zoning Inspector to conclude that a certificate should be revoked for any of the reasons set forth in Section 24-5.1 , Grounds for Revocation shall be upon the party advocating that position.
- B. The action to revoke a Zoning Certificate shall include a statement of the specific reasons or findings of fact that support the decision.

24-5.3 *Notice*

Before a Zoning Certificate may be revoked, the Zoning Inspector shall give the recipient of the certificate ten (10) days' notice of intent to revoke the certificate and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the certificate is revoked, the Zoning Inspector shall provide to the holder of the Zoning Certificate a written statement of the decision and the reasons therefore.

24-5.4 *Effect of Revocation*

No person may continue to make use of land or buildings in the manner authorized by any Zoning Certificate after such certificate has been revoked in accordance with this section.

24-6 **JUDICIAL REVIEW**

Any decision of the Board of Township Trustees, the Township Zoning Commission, or the Zoning Inspector granting, revoking, or denying a Zoning Certificate; and every final decision of the BZA shall be subject to review by the Court of Common Pleas.

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APPENDIX 1 – RECOMMENDED PLANT MATERIAL LIST

Recommended Canopy Trees

Botanical/Common Name	Height at Maturity
Acer rubrum (Red Maple)	65'
Fraxinus americana 'Rosehill' (Rosehill Ash)	90'
Fraxinus pennsylvanica 'Marshall's Seedless (Marshall's Seedless Ash)	80'
Gleditsia triacanthos inermis 'Shademaster' (Shademaster Honeylocust)	70'
Quercus rubra (Red Oak)	90'
Tilia cordata (Littleleaf Linden)	60'
Ulmus hollandica (New Dutch Elm)	70'
Fraxinus quadrangulata (blue ash)	80'
Acer saccharinum (silver maple)	90'
Tiliaceae americana (American Basswood)	75'
Ulmaceae americana (American Elm)	120'
Carya cordiformis (Bitternut Hickory)	100'
Fagus grandifolia (American Beech)	90'
Quercus macrocarpa (Bur Oak)	70'

Recommended Understory Trees

Botanical/Common Name	Height at Maturity
Amelanchier laevis (Allegheny Serviceberry)	30'
Crataegus species (Hawthorne)	15-28'
Koelreutaria paniculata/Goldenraintree)	30'
Malus species & cultivars (Crabapple)	10-30'
Pyrus calleryana 'Aristocrat' (Aristocrat Pear)	30'
Viburnum prunifolium L. (Blackhaw)	10-20'
Aesculus glabra Wild (Ohio Buckeye)	30'
Ginko biloba (Ginko)	20-30'
Cornus alternifolia (Alternate Leaf Dogwood)	20-30'
Asimina triloba (Paw Paw)	15-20'

Recommended Evergreen Trees

Botanical/Common Name	Height at Maturity
Picea abies (Norway Spruce)	90'
Pinus nigra (Austrian Pine)	80'
Pinus strobus (White Pine)	100'
Larix deciduas (European Larch)	70-75'
Picea glauca (White Spruce)	50'
Juniperus virginiana (Eastern Redcedar)	35'
Pinus virginiana (Virginia Pine)	35-45'

Recommended Deciduous Shrubs

Botanical/Common Name	Height at Maturity
Forsythia intermedia (Border Forsythia)	8'
Hamamelis virginiana (Common Witchhazel)	12'
Hydrangea quercifolia (oakleaf Hydrangea)	5'
Ligustrum obtusifolium regelianum (Regal Privet)	6'
Lonicera fragrantissima (Winer Honeysuckle)	10'
Myrica pennsylvanica (Northern Bayberry)	12'
Spiraea vanhouttei (Vanhoutte Spirea)	6'
Viburnum dentatum (Arrowwood Viburnum)	8'
Viburnum prunifolium (Blackhaw Viburnum)	10'
Salix discolor (Pussy Willow)	15-20'
Festiva maxima (Peony)	3-5'

Recommended Evergreen Shrubs

Botanical/Common Name	Height at Maturity
Juniperus pfitzeriana (Pfitzer Juniper)	8'
Taxus media 'densiformis (Dense Yew)	4'
Taxus media 'Hicksii' (Hick's Yew)	10'
Thuja occidentalis 'woodardi' (Arborvitae)	5'
Kalmia latifolia (Mountain Laurel)	5-10'
Tamarix chinensis Lour. (Saltcedar)	18'
Ilex opaca Ait. (American Holly)	10'
Elaeagnus commutata (Silverberry)	5-10'

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APPENDIX 2 – PETITION FOR ZONING REFERENDUM

(see Ohio Revised Code Section 3501)

The form of a petition calling for a zoning referendum and the statement of the circulator shall be in substantially the following form:

"PETITION FOR ZONING REFERENDUM"

(if the proposal is identified by a particular name or number, or both, these should be inserted here).

A proposal to amend the zoning map of the area of Sycamore Township, Hamilton County, Ohio, adopted (date) (followed by a brief summary of the proposal).

To the Board of Township Trustees of Sycamore Township, Hamilton County, Ohio:

We, the undersigned, being electors residing in the Township, included within the Township Zoning Plan, equal to not less than eight per cent of the total vote cast for all candidates for governor in the area at the preceding general election at which the governor was elected, request the Board of Township Trustees to submit this amendment of the zoning resolution to electors of the Township, residing within the Township included in the Sycamore Township Zoning Resolution, for approval or rejection at a special election to be held on the day of the next primary or general election to be held on (date) pursuant to Section 519.12 of the Ohio Revised Code.

Signature Street Township Precinct County

STATEMENT OF CIRCULATOR

 (name of circulator) declares under penalty of election falsification that (s)he is an elector of the state of Ohio and resides at the address appearing below his/her signature hereto; that (s)he is the circulator of the foregoing part petition containing (number) signatures; that (s)he witnessed the affixing of every signature; that all signers were to the best of his/her knowledge and belief qualified to sign; and that every signature is to the best of his/her knowledge and belief the signature of the person whose signature it purports to be.

Signature of circulator

Address

City/village/township, zip code

“THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH.”

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ZONING COMMISSION

- 1. ZONING CERTIFICATES
 - (a) Permitted use
 - (b) Redevelopment Exception
 - (c) Temporary Use
 - (d) ~~PUD~~-Site Plan Compliance Plan
 - (e) BZA Compliance Plan
 - (f) Non-conforming use
 - (g) Compatible non-conforming use

- 2. MAP AMENDMENTS
 - (a) Single letter rezone (Legislative)
 - (b) ~~PUDS~~-1 (Administrative)
 - (c) ~~PUDS~~-2 (Administrative)
 - (d) ~~Special Public Interest~~SPI (Legislative)
 - (e) Specific Plan-~~PUD~~-PD (Legislative)

- 3. ADMINISTRATIVE
 - (a) ~~PUD~~-Site Plan Minor Adjustment
 - (b) ~~PUD~~-Site Plan Major Adjustment
 - (c) ~~PUD~~-Site Plan Modification
 - (d) SPI Modification
 - (e) Landscape Modification
 - (f) Waiver of buffer yards
 - (g) Landscape & Buffer Credits
 - (h) Administrative Interpretation

BOARD OF ZONING APPEALS

- 1. APPEALS
- 2. VARIANCES
- 3. CONDITIONAL USES
- 4. COMPATIBLE NON-CONFORMING

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APPENDIX 4 – GUIDELINES FOR SPECIFIC PLAN DISTRICT

1. Community Unit Plan Overlay District

- A. The location and planning of building sites and the amount, arrangement and treatment of open space will ensure a satisfactory living environment and should be carried out in consideration of property adjacent to the area included in the plan and insure that such adjacent property will not be adversely affected.
- B. The plan should further the best use of the land in relation to its size, configuration, location and physiography, and produce a residential environment of sustained desirability.

2. "DD" Planned Multiple Residence District

A. Height and Area:

- 1) No building should exceed three ~~and a half~~ (3.5) stories or ~~forty-five~~ (40.5) feet in height unless such building is set back from the street line a distance of not less than its height and is set back from all other property lines a distance of thirty (30) feet plus two (2) feet for each foot in height in excess of forty (40) feet.
- 2) No building should be closer than ~~forty-three~~ (40.30) feet to any front or rear lot line, or closer than ~~fifteen-five~~ (15) feet in the case of a one or two-story building, or closer than ~~thirty ten~~ (31.0) feet in case of a three-story building, to any side lot line.
- 3) The lot area per apartment should not be less than: twenty-five hundred (2500) square feet for an apartment of two bedrooms or more; two thousand (2000) square feet for one-bedroom apartment and fifteen hundred (1500) square feet for an efficiency apartment.
- 4) Where part or all of the off-street parking spaces required for a multi-family dwelling are provided within the principal building or buildings, the minimum lot area per dwelling unit specified in this section may be reduced by a maximum of twenty percent (20%), in accordance with the following formula:

$a/b \times 20\%$, where

a = the number of spaces provided within the building, and

b = the number of spaces required for the multi-family dwelling

B. General:

- 1) The size and location of the tract in relation to surrounding property should be such that in the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood.
- 2) In furthering this objective, the location and arrangement of buildings, parking structures and areas, walks, lighting, and appurtenant facilities should be adjusted to the surrounding land uses, and any part of the site not used for buildings or other structures, or for parking, loading or access-ways should be landscaped with grass, trees and shrubs or pedestrian walks.
- 3) No signs or displays or advertising of merchandise and services offered in the shops should be visible from outside the building.

3. "OO" Planned Office District

A. Height and Area:

- 1) No building should exceed thirty-five (35) feet in height unless such building is set back from the street line an additional distance of not less than one-half (1/2) its height and is set back from all other property lines a distance of ten (10) feet, plus two (2) feet for each foot of height in excess of thirty-five (35) feet.
- 2) No building should be closer than forty (40) feet to any front or rear lot line, or closer than ten (10) feet to any side lot line.

B. General:

- 1) The size and location of the tract in relation to surrounding property should be such that the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood.
- 2) In furthering this objective, the location and arrangement of buildings, parking structures and area, walks, lighting, and appurtenant facilities should be adjusted to the surrounding land uses, and any part of the site not used for buildings or other structures, or for parking, loading or access ways should be landscaped with grass, trees and shrubs or pedestrian walks.
- 3) Signs should be limited to identifications signs relating solely to the occupants and use of the premises, and all such signs should be attached to the building so as to extend not more than eighteen (18) inches therefrom in any direction, except that a separate sign when approved in location, treatment and design as an integral part of the development plan may be permitted. Such signs should not exceed a total of fifty (50) square feet for any premises, and if illuminated, the source should not be visible from adjoining property.

4. "EE" Planned Business District

A. Height and Area:

- 1) No building should exceed thirty-five (35) feet in height, unless such building is located at a distance of not less than its height from all side and rear lot lines, and occupies no more than ten (10) percent of the total area of the tract.
- 2) No building should be closer than fifty (50) feet to any street line or closer than thirty-five (35) feet to any other boundary line of the tract that abuts any more restricted district.
- 3) The aggregate ground area occupied by all buildings should not exceed twenty-five (25) percent of the entire area of the tract.

B. General:

- 1) The size and location of the tract in relation to surrounding property should be such that the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood.
- 2) Adequate provision should be made for traffic circulation into and out of the development, in addition to the provision for through traffic movements on the access street or streets, and to this end, the means of location of all ingress and egress and the provisions for traffic movement and circulation, including additional traffic lanes, where needed, should be

subjected to approval of the County Engineer. The installation of additional lanes for deceleration or turning movements may be required, and traffic controls, as needed, may be imposed to provide for safe and efficient traffic circulation by and within the development.

- 3) Service drives or other areas should be provided for off-street loading, in such a way that trucks will not block the passage of other vehicles or impede circulation on any other public or private drive or street.
- 4) All drives, parking areas, loading areas, and walks should be paved with hard surface material meeting the approval of the County Engineer.
- 5) The location and arrangement of building, parking areas, walks, access ways, lighting and appurtenant facilities should be adjusted to the surrounding land uses, and no part of any area for parking should be located within twenty (20) feet of any side line of a residential lot, either existing or to be created in the future. Any part of the area not used for building or other structures or for parking, loading or access ways, should be landscaped with grass, trees and shrubs or pedestrian walks.
- 6) All advertising signs should be attached to the building so as to project no more than eighteen (18) inches therefrom, except that one free-standing sign for identification of the center and entrance-exit markers may be permitted for each planned district, and a filling station identification sign may be permitted where a filling station is a part of the approved development plan. No such free-standing sign should be permitted within two hundred (200) feet of the boundary of a Residence District or within ten (10) feet of the street line. The area of one surface of the sign should not exceed one hundred fifty (150) square feet in the case of the center identification sign.
- 7) All mechanical equipment for heating, cooling, air conditioning or similar purposes, which may create either noise or fumes, if not within the main building should be located at least one hundred (100) feet from all property lines within or adjacent to a Residence District.

5. "FF" Planned Light Industrial District

A. Height and Area:

- 1) No building should exceed thirty-five (35) feet in height, unless it is set back from all property lines a distance not less than two times the building height.
- 2) No part of any building or structure should be closer than one hundred (100) feet to any Residence District boundary or closer than fifty (50) feet to any other boundary line of the tract, other than the boundary of an existing Industrial District, or to any street line.
- 3) The aggregate ground area occupied by all buildings should not exceed thirty-five (35) percent of the entire area of the tract.

B. General:

- 1) In general, the development should be related to major or secondary highways or to other industrial or business districts to avoid access over residential uses, and to this end no "FF" Planned Light Industrial District should be located where the main vehicular approach thereto is over a residential street (not a major or secondary highway) or through a residential district, unless the character and operation of the use are such, and it can be

clearly demonstrated, that no more than fifty (50) vehicles in both direction combined would travel to and from the use daily.

- 2) Ingress and egress to the development and the location and arrangement of buildings, parking areas, walks, lighting and appurtenant facilities should be adjusted to the surrounding land uses. No part of any parking and loading area and access drives thereto should be located within fifty (50) feet of any Residence District, and no parking or loading area should be closer than fifty (50) feet to any street line. All drives, parking areas, loading areas, and walks should be paved with hard surface material, and any part of the site not used for buildings or other structures, or for parking, loading or access ways should be landscaped with grass, trees and shrubs.
- 3) No open storage of materials or equipment should be permitted on the tract.
- 4) No advertising signs should be permitted other than a sign identifying the establishment or its products or services attached flat to the building and projecting not more than eighteen (18) inches therefrom, provided, however, that entrance-exit markers and directional signs, aggregating no more than ten (10) square feet may be permitted.
- 5) Provisions should be made, subject to approval of the County Sanitary Engineer, for satisfactory disposal of all liquid and solid waste concomitant with the development.

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APPENDIX 5 – FEE SCHEDULE

ZONING MAP AMENDMENTS

ZONE DISTRICTS	FEE
RESIDENTIAL	
Zoning Map Amendments – Single Family Districts	\$1,000.00
Zoning Map Amendments – Multiple Family Districts	\$1,000.00 plus \$300.00 per acre (\$9,000.00 cap)
NON-RESIDENTIAL	
Zoning Map Amendments	\$1,000.00
SPECIAL PUBLIC INTEREST	
Zoning Map Amendments	\$1,000.00

NOTES:

1. ~~Make checks payable to Sycamore Township.~~
2. ~~PUD processing fees are nonrefundable.~~
3. ~~Approved by the Township Trustees on May 2, 2002.~~

PLANNED UNIT DEVELOPMENTS (PUD)

PUD PHASE	FEE
PUD PLANS	
Processing fees for PUD-1 applications	\$1,000.00
Processing fees for PUD-2 applications	\$1,200.00
S-PUD Recording/Deed of Acceptance fees	\$100.00
ADJUSTMENTS TO PUD PLANS (PUD-1, PUD-2, AND S-PUD)	
Minor Adjustments	\$200.00
Major Adjustments	\$1,000.00
APPEAL OF PUD DECISIONS	
Appeal of Zoning Commission Decision (PUD-1)	\$300.00
Appeal of Administrative Official's Decision (PUD-1, PUD-2 and S-PUD)	\$300.00

NOTES:

1. ~~Make checks payable to Sycamore Township.~~
2. ~~PUD processing fees are nonrefundable.~~
3. ~~Approved by the Township Trustees on May 2, 2002.~~

LOCALIZED ALTERNATIVE SIGN REGULATIONS

SIGN APPLICATION PHASE	FEE
APPLICATIONS	
Application Fees for Localized Alternative Sign Regulations	\$700.00
ADJUSTMENTS TO LOCALIZED ALTERNATIVE SIGN REGULATIONS	
Minor Adjustments	\$200.00
Major Adjustments	\$700.00

NOTES:

1. ~~Make checks payable to Sycamore Township.~~
2. ~~Processing fees are nonrefundable.~~
3. ~~Approved by the Township Trustees on May 2, 2002.~~

CONDITIONAL USES

CONDITIONAL USE PHASE	FEE
CONDITIONAL USES	
Conditional Uses	\$500.00 plus \$100.00 per acre
MODIFICATIONS	
Modifications to approved Conditional Uses	\$500.00 plus \$100.00 per acre

NOTES:

1. ~~Make checks payable to Sycamore Township.~~
2. ~~Fees do not include cost of legal ad.~~
3. ~~Processing fees are nonrefundable.~~
4. ~~Approved by the Township Trustees on May 2, 2002.~~

VARIANCES AND APPEALS THROUGH THE BOARD OF ZONING APPEALS

VARIANCES	FEE
RESIDENTIAL	
Proposed improvements valued up to \$25,000	\$150.00
Proposed improvements valued over \$25,001	\$200.00
COMMERCIAL	
Proposed Improvements valued up to \$500,000	\$750.00
Proposed Improvements valued between \$500,001 and	\$1,000.00
Proposed Improvements valued between \$1,000,001 and	\$1,250.00
Proposed Improvements valued above \$10,000,000	\$2,000.00
ZONING CERTIFICATE	
Issuance of a Zoning Certificate	Fees are based on the Use type shown in Appendix 10—Zoning Certificates (Minimum \$50.00)
PENALTIES	
The Board of Zoning Appeals may invoke a penalty fee of up to two times the application fee when a project is commenced prior to obtaining an approval.	
APPEALS	
Appeal to any order, decision, or determination made by an Administrative Official	\$300.00

**NONCONFORMING USE AND COMPATIBLE
NONCONFORMING USE APPLICATIONS**

	FEE
NONCONFORMITIES	
Nonconforming Uses of Land and Structures	\$50.00
Noncomplying Structures	No Charge
Nonconforming Lots of Record	No Charge
COMPATIBLE NONCONFORMING USES	
Application for Compatible Nonconforming Uses	\$300.00

NOTES:

- 1.— Make checks payable to Sycamore Township.
- 2.— Fees do not include cost of legal ad.
- 3.— Processing fees are nonrefundable.
- 4.— Approved by the Township Trustees on May 2, 2002.

ZONING PERMITS

ZONING PERMIT TYPE	FEE
RESIDENTIAL	
New Single Family Dwelling	\$300.00
Single Family Addition	\$50.00
New Multi-Family Dwelling	\$300.00 per unit
Swimming Pools (in ground and above ground, 24" min. height)	\$0.00
Decks (attached or detached)	\$0.00
Accessory Use Structures/Sheds/Garages under 200 square feet.	\$0.00
Accessory Use Structures/Sheds/Garages over 200 square feet.	\$25.00
Fences/Walls	\$0.00
Satellite Dish (larger than one meter in diameter)	\$0.00
Antenna (over 12 feet above roof line)	\$0.00
In Home Occupation	\$50.00
Residential Basement Finish	No permit required/Contact Hamilton County Building Department
Solar Panels	

Notes:

1. Failure to obtain a permit for a residential fence, deck, accessory use structure (shed) under 200 square feet, pool, antenna (over 12 feet above the roof line) or satellite dish (larger than one meter in diameter) will result in a fee of \$100.00 in order to defray the costs of enforcement.
2. Failure to obtain a permit for any other use will result in the standard fee being doubled in order to defray the cost of enforcement.
3. Failure to obtain a permit for any other use will result in the standard fee being doubled in order to defray the cost of enforcement.
4. Revisions to plans on which an approved zoning certificate has been issued shall require a fee equal to one half (½) the standard fee.
5. Sycamore Township will forward approved plans to the Hamilton County Building Department for a handling fee of \$50.00. The applicant must provide packaging and a pre paid shipping label.

ZONING PERMIT TYPE	FEE
COMMERCIAL	
New/Addition to Commercial Buildings (0 to 2,000 square feet)	\$750.00
New/Addition to Commercial Buildings (2,001 to 10,000 square feet)	\$0.38 per square foot
New/Addition to Commercial Buildings (10,001 square feet and above)	\$3,800.00 + \$0.05 per square foot above 10,000 square feet
Interior Finish/Alteration	\$250.00
Tenant Change (No Parking Analysis)	\$250.00
Commercial Accessory Use Structure	See "New/Addition to Commercial Building"
Commercial Fence/Wall	\$100.00
Screening of Rooftop Mechanicals	\$100.00
Commercial Antenna/Satellite Dish	\$100.00
Awnings/Façade/Marquee/Solar Panel	\$100.00
New Sign	\$300.00 plus \$1.00 per square foot
Sign Face Change	\$250.00
Temporary Sign	\$200.00
Commercial Swimming Pool/Above Ground Storage Tank	\$200.00
Parking Lot (New or Restripe)	\$100.00
New Telecommunication Tower	\$2,000.00
Co-Tower	\$1,000.00
Modification to Telecommunication Tower	\$500.00
Addition to Existing Telecommunication Tower	\$750.00

Notes:

1. Failure to obtain a permit for any other use will result in the standard fee being doubled in order to defray the cost of enforcement.
2. Revisions to plans on which an approved zoning certificate has been issued shall require a fee equal to one-half (½) the standard fee.
3. Sycamore Township will forward approved plans to the Hamilton County Building Department for a handling fee of \$50.00. The applicant must provide packaging and a pre-paid shipping label.

PERMIT TYPE	FEE
Lot Split	\$50.00 per lot
Lot Consolidation	\$50.00
No fee if Lot Split/.Consolidation requested by Township	
ZONE CHANGES	FEE
Single Family Districts	\$1,000.00
Multiple Family Districts	\$1,000.00 plus \$300 per acre (\$9,000.00 maximum)
Commercial	\$1,000.00
Special Public Interest	\$1,000.00
BOARD OF ZONING APPEALS	FEE
Residential	\$150.00
Commercial	\$250.00
PLANNED UNIT DEVELOPMENTS	FEE
PUD-1	\$1,000.00
PUD-2	\$1,200.00
LASR	\$1,000.00
Minor Adjustments	\$200.00
Major Adjustments	\$1,000.00

Notes

1. Revisions to plans on which an approved zoning certificate has been issued shall require a fee equal to one-half (1/2) of the standard fee.

OTHER ZONING CERTIFICATES	
Refusal Letter (issued for application which does not meet zoning regulations in order to proceed to the Board of Zoning Appeals)	\$0.00
Zoning Certification Letter (Certifying Zoning on a particular parcel)	\$35.00
PENALTIES	
Failure to obtain a Zoning Certificate prior to the start of construction shall cause the above fees to be doubled.	

NOTES:

1. ~~Make checks payable to Sycamore Township.~~
2. ~~Processing fees are nonrefundable.~~
3. ~~Approved by the Township Trustees on May 2, 2002.~~

**ADMINISTRATIVE INTERPRETATIONS AND GENERAL
MODIFICATIONS BY THE RURAL ZONING COMMISSION**

	FEE
ADMINISTRATIVE INTERPRETATIONS:	
Application for an Administrative Interpretation	—\$50.00
GENERAL MODIFICATIONS BY THE RURAL ZONING COMMISSION	
Not Requiring a Public Hearing (including) a. Landscaping for Vehicular Use Areas b. Buffer Yards and Resource Protection c. Credit of Woodland Preservation and Riparian Buffer Areas d. Other	—\$300.00
GENERAL MODIFICATIONS BY THE RURAL ZONING COMMISSION	
Requiring a Public Hearing (including) a. Special Purpose and Specific Plan Districts b. Other	—\$500.00

NOTES:

- ~~1. Make checks payable to Sycamore Township.~~
- ~~2. Processing fees are nonrefundable.~~
- ~~3. Approved by the Township Trustees on May 2, 2002.~~