

# CHAPTER 1

## PURPOSE, TITLE, APPLICABILITY, INTERPRETATION & LEGAL EFFECT

### 1-1 AUTHORITY AND PURPOSES

This Resolution is adopted pursuant to the authority granted to the Township by Chapter 519 of the Ohio Revised Code for the following purposes (without indicating order or priority): To promote the public health, safety, morals, and general welfare of the Township;

- (a) To help secure safety from fire, flood, panic and other dangers;
- (b) To enable the Township to implement adopted objectives and policies related to land use;
- (c) To facilitate implementation of Township land use plans duly adopted by the Sycamore Township Zoning Commission;
- (d) To facilitate revitalization and redevelopment of blighted areas by zoning for more appropriate uses;
- (e) To encourage compatibility between different proposed land uses in the Township and to protect the character of existing residential, office, commercial and industrial development areas of the Township from the encroachment of incompatible uses.
- (f) To conserve and protect property and property values.
- (g) To secure the most appropriate use of land.
- (h) To facilitate adequate but economical provision of public improvements.

### 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) To the extent that this Resolution reestablishes zoning districts of the same land use category and with the same district designation and names, these districts and their boundaries as indicated on the Zoning District Maps under the preexisting Zoning Resolution shall be deemed as continuing until such time as they may be amended pursuant to the provisions of this Resolution. Zoning districts, which are not reestablished by this Resolution, as indicated on Table 1-6, are hereby repealed and shall be indicated as repealed on the Zoning District Maps as of the effective date of this Resolution.
- (c) To the extent that this Resolution establishes zoning districts of the same land use category, but different names from those under the preexisting Resolution, these new district names shall replace the old zoning district names on the Zoning District Maps in accordance with Table 1-6, but shall retain their existing boundaries.
- (d) Zoning districts established by this Resolution in addition to the zoning districts established under the preexisting Zoning Resolution are indicated in Table 1-6 and shall become effective upon the adoption of such Zoning District Map amendments by the Board of Township Trustees as are necessary to give effect to the new districts.
- (e) The Planned Unit Development (PUD) Overlay District 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.
- (f) 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 1-6  
DISTRICT EQUIVALENCIES, DELETIONS AND ADDITIONS**

<b>ZONING RESOLUTION DISTRICTS REESTABLISHED AND ESTABLISHED</b>		<b>PREEXISTING ZONING RESOLUTION DISTRICTS</b>	
<b>Residential Districts</b>		<b>Residential Districts</b>	
AA	Residential	"AA"	Residential District
A	Residential	"A"	Residence District
A-2	Residential	"A-2"	Residence District
A-35	Residential	"A-35"	Residential District
B	Residential	"B"	Residence District
B-2	Residential	"B-2"	Residence District
C	Residential	"C"	Residence District
D	Residential, Multi-Family	"D"	Residence District
<b>Commercial Districts</b>		<b>Office and Commercial Districts</b>	
O	Office	"O"	Office District
E	Retail Business	"E"	Retail Business District
<b>Industrial Districts</b>		<b>Industrial Districts</b>	
F	Industrial, Light	"F"	Light Industrial District
<b>Overlay Districts</b>		<b>Overlay Districts</b>	
SPI-NR	Special Public Interest-Natural Resource	"FPM"	Flood Plain Management District (Repealed)
SPI-NQ	Special Public Interest-Neighborhood Quality		
SPI-SC	Special Public Interest-Suburban Center/Corridor		
SPI-SV	Special Public Interest-Suburban Village		
PUD	Planned Unit Development		
<b>Special Purpose Districts</b>		<b>Special Purpose Districts</b>	
<b>Specific Plan Districts</b>		<b>Planned Districts</b> (see Section 3-4)	
CUP	Community Unit Plan Overlay District	"CUP"	Community Unit Plan Overlay District
DD	Planned Multiple Residence District	"DD"	Planned Multiple Residence District
OO	Planned Office District	"OO"	Planned Office District
EE	Planned Business District	"EE"	Planned Business District
FF	Planned Light Industrial District	"FF"	Planned Light Industrial District

**1-8 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 Chapter 13 (Signs).

### 2-3 DEFINITIONS

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

#### **A ➤**

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

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 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, SPI's and ZCP'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 19-6)

AGGRIEVED PARTY OR PERSON. Any owner of a legal or equitable interest in property on which development proposed under these regulations has been denied approval, or any person whose legal right has been invaded or infringed or whose pecuniary interest is directly affected, as distinct from any damages to the rest of the community, by a government act complained of.

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.

**AIRPORT.** A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft is regularly stored, maintained, or repaired while not in flight with an area that the aircraft may use to take off and land.

**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.

**ATHLETIC/PLAY FIELD, 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.

## **B ➤**

**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.

**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.

**BOARDING HOUSE.** A building other than a hotel where meals only or lodging and meals are provided for compensation for three (3) but not more than twenty (20) persons.

**BOARD OF ZONING APPEALS (BZA).** 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 code 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 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.

**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.

**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 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 other structures.

**BUILDING LINE.** The line indicating the minimum horizontal distance required between the street right-of-way 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.

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

## **C ➤**

**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.

**CANDLEPOWER.** The total luminous intensity of a light source expressed in foot-candles measured at ground level. Maximum (peak) candlepower is the largest amount of foot-candles emitted by any lamp, light source, or luminaries.

**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.

**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, and hotels and motels, but not including the cutting or styling of hair, or recreational facilities or amusements.

**COMMERCIAL, RETAIL BUSINESS (SALES AND SERVICES).** 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.

**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 use, requiring application for a Conditional Use Certificate and approval by the Board of Zoning Appeals as stated in Chapter 17.

**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 RETIREMENT FACILITY.** A housing development that is planned, designed, and operated to provide a full range of accommodations and services for older adults, including independent living, congregate housing (self-contained apartments), and medical 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 ➤**

**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, GROSS.** The quotient of the total number of dwelling units divided by the gross area of a site (including public rights-of-way), expressed in gross dwelling units per acre.  
(total number of dwelling units ÷ total gross acreage = gross density)

**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 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, 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.

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.

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.

DORMITORY. A building used as a group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery or other similar institutional use.

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 a vehicular use area that encompasses the first thirty feet from the right-of-way or easement of the street and a parking setback of eight 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 ➤**

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- 8 of this resolution.

## **F ➤**

FAMILY. A person or group of persons occupying a premises and living as a single housekeeping unit, including a "family home" as herein defined, but as distinguished from a group occupying a boarding house, fraternity/sorority house, hotel or other type of contractual living quarters.

FAMILY HOME. A residential facility shared by at least six (6) but not more than eight (8) mentally retarded or developmentally disabled individuals plus paid professional support staff provided by a sponsoring agency either living with the residents on a 24-hour basis or present on shifts, who live together as a single housekeeping unit in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents in order to enable them to live as independently as possible in a residential environment. This definition shall not include an alcoholism or drug treatment center, a work release facility for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

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 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. "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.

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.

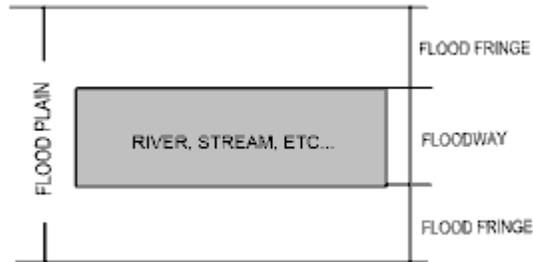


Figure: FLOODWAY, FLOOD FRINGE, & FLOODPLAIN

**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.

**FOOT-CANDLE.** 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 120 feet width, with at least 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 ➤**

**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 families 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. Includes but not limited to police and fire stations, government buildings, 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 (1829 mm) from the building, between the building and a point six (6) feet (1829 mm) from the building.

**GRANNY COTTAGE.** 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.

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

**GROUP HOME.** A residential facility shared by nine (9) to sixteen (16) handicapped individuals plus paid professional support staff provided by a sponsoring agency either living with the residents on a 24-hour basis or present on shifts, who live together as a single housekeeping unit in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents in order to enable them to live as independently as possible in a residential environment. The definition shall not include an alcoholism or drug treatment center, a work release facility for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

## **H ➤**

**HALFWAY HOUSE.** An establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and rehabilitation for prison parolees and juveniles.

**HANDICAP.** With respect to a person, a physical or mental impairment which substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment. This definition does not include current illegal use of, or addiction to, a controlled substance. As used in this definition, the following terms and phrases have the following meanings:

- (a) "**physical or mental impairment**". Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive, genitourinary, hemic and lymphatic; skin; and endocrine; or

Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific disabilities. The term "physical or mental impairment" includes but is not limited to such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current illegal use of a controlled substance) and alcoholism.

- (b) "**major life activities**". Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- (c) "**has a record of such an impairment**". A history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
- (d) "**is regarded as having an impairment**".
1. A physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation;
  2. A physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
  3. Having none of the impairments defined in Paragraph (a) of this definition but is treated by another person as having such an impairment.

**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.

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.

## I ➤

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.

IMPERVIOUS SURFACE RATIO (ISR). The total area of impervious surfaces divided by the net area (excluding right-of-way) of the lot.

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.

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.

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.

## J ➤

JUNK VEHICLE. See VEHICLE, INOPERABLE OR ABANDONED

## **K ➤**

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 ➤**

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

LAKE, COMMERCIAL FISHING/PAY LAKE. A private or publicly owned lake or pond, where a fee is charged in exchange for the permission to fish.

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.

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.

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 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.

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 mean 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.

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.

LUMINARIES. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

## **M ➤**

MANUFACTURED HOME. A factory-built dwelling, other than an industrialized unit (modular home), that is manufactured or constructed in an off-site manufacturing facility, transportable in one or more sections, which in the traveling mode is at least eight (8) body feet in width and at least forty (40) body feet in length, or, when erected on site is at least 320 square feet, which bears a seal certifying that it was built in compliance with the standards established by the Federal Manufacturing Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401 et seq., and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

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.

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, nor 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 ➤**

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.

**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 OR CONVALESCENT HOME.** A home, institution, building or residence, public or private, whether operated for profit or not, presently licensed pursuant to the Ohio Statutes, which provides maintenance, personal care or nursing to ill, physically infirm, convalescing, or aged persons who are not related by blood or marriage to the operator. The definition of nursing or convalescent home does not include hospitals, clinics or similar institutions which are devoted primarily to the diagnosis and treatment of the sick or injured.

## **O ➤**

**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 ➤**

**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 LOT.** An area of land devoted to unenclosed parking spaces for five 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, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

**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 or Section 7-7 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 CONTAINERS. 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 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 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-1) or recommendation to the Board of Township Trustees for legislative approval (PUD-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 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 Plan. The rezoning can be initiated only by the property owner.)

## **R ➤**

RECREATION CENTER, INTERNAL. Buildings or facilities owned or operated as a non-profit enterprise by a condominium, homeowners, or property owners 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 commercial 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, amphitheaters, 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 (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, 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, and boarding houses.

RESIDENTIAL, 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, 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 at a net density permitted in the underlying zone districts.

RESIDENTIAL, 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, 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, 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, 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, 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 ➤**

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 terrestrially and/or orbitally 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.

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 100 % opaque.

SECRETARY. The Secretary of the Sycamore Township Zoning Commission.

SHOOTING GALLERY. An enclosed structure in which weapons are fired at a target which is set up at a distance.

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 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.

SHRUBS, HEDGE. Plants that at maturity will range in height from 7 feet to 15 feet and are spaced from 3 to 6 feet on center depending upon the variety.

SHRUBS, BLOOMING. Plants that flower or undergo change in leaf color. They range in height from 2 to 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.

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.

SITE AREA, GROSS. The computed area contained within the lot lines which includes rights-of-way, either as an easement or dedicated.

SITE AREA, NET. The computed area contained within the lot lines, less any land within rights-of-way and easements for public streets.

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.

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 flows year round generally less than 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 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 ➤**

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, MOVIE AND DRAMA, INDOOR. 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.

TRAILER, UTILITY. Any towed vehicle constructed, re-constructed or added to by means of accessories in such a manner as will permit the storage or conveyance of machinery, tools or equipment, including those vehicles that are attached to an automobile or truck for the sole purpose of transporting goods or farm animals.

TRAILER, RV. Any towed or self-propelled vehicle constructed, re-constructed or added to by means of accessories in such a manner as will permit the use and occupancy thereof for temporary human habitation for travel, recreation, vacation or other primarily transient purposes, as opposed to a mobile home as defined in this Chapter; or office use, including those vehicles that are attached to an automobile or truck for the sole purpose of transportation.

TRAILER, LIVESTOCK. Any towed vehicles that are attached to an automobile or truck for the sole purpose of transporting goods or farm animals.

TRANSFER STATION. 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.

TREES, CANOPY. A deciduous tree which at maturity will shed its leaves annually, and provide shade. (see Section 15-3)

TREES, EVERGREEN. A coniferous tree with needles or a broadleaf tree which retains its leaves throughout the year. (see Section 15-3)

TREE, UNDERSTORY. A lower growing tree which screens, flowers, defines space and provides seasonal interest. (see Section 15-3).

## **U ➤**

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 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 and with a “PUD-1”, “PUD-2” or “C” in Tables 4-5, 5-4, 6-4 and 7-5 or with a “S-PUD” in Table 7-8.

## **V ➤**

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.

VEHICLE, OPERABLE UNLICENSED ON RESIDENTIAL PROPERTY. Any vehicle which through parcel size, condition, visibility, adverse impact, duration or location 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.

VEHICULAR USE AREA. All areas subject to vehicular traffic including parking lots, access-ways, loading areas and service areas.

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.

VIDEO GAME PARLOR. A place in which a collection of electronic, coin-operated games are played.

## W ➤

WALL. A high thick masonry structure forming a long rampart or an enclosure chiefly for defense, a structure to hold back pressure.

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, jaguarundi, bears, hyenas, wolves or coyotes, or any life-threatening reptiles and arachnids, including but not limited to crocodylians, poisonous reptiles and tarantulas.

## Y ➤

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)

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).

(See Appendix 1: Building and Yard Requirements)

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 Appendix 1: Building and Yard Requirements)

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 ➤**

ZONING CERTIFICATES. 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 19-2 of this Zoning Resolution. The Zoning Commission is a commission of five Township residents appointed by the Trustees. The Planning & Zoning Commission makes recommendations to the Trustees on all Township issues such as Zone Changes, Planned Unit Developments, 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 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:

(a) Residential Districts

- AA Residential ("Lowest" Density)
- A Residential
- A-2 Residential
- A-35 Residential
- B Residential
- B-2 Residential
- C Residential
- D Residential, Multi-Family ("Highest" Density)

(b) Commercial Districts

- O Office
- E Retail Business

(c) Industrial Districts

- F Industrial, Light

(d) Special Public 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

(e) Planned Unit Development Overlay District (PUD)  
(see applicability in Sections 1-6(e) and 18-2)

- PUD Planned Unit Development

(f) Specific Plan Districts

- CUP Community Unit Plan Overlay District
- DD Planned Multi-Family District
- OO Planned Office District
- EE Planned Retail District
- FF Planned Light Industrial District

## **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) 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”, “PUD-1”, “PUD-2”, “C”, and “S-PUD” 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 - 1**

The designation “PUD-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 Zoning Certificate issued by the office of the Zoning Inspector certifying:

- (a) approval of a PUD Plan for the project area by the Sycamore Township Zoning Commission pursuant to Chapter 18; 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 - 2**

The designation “PUD-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 Zoning Certificate issued by the office of the Zoning Inspector certifying:

- (a) approval of the proposed PUD-2 by the Board of Township Trustees because the proposed development exceeds the maximum density or intensity of use established for PUD-1 approval pursuant to Chapter 18; 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, 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, 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**

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

- (a) approval of a zone amendment and PUD Plan for the specific use by the Board of Township Trustees pursuant to Chapter 16 and Chapter 7, 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 – TABLE OF PERMISSIBLE USES**

Use (See definitions in Chapter 2 for further clarification)	Permissible Uses by District														
	AA-C	D		O	E	F					CUP	DD	OO	EE	FF
<b>RESIDENTIAL USES</b>															
<b>Single-Family Dwelling Unit</b>															
Detached	P	P		PUD-1	PUD-1						S-PUD	S-PUD	S-PUD	S-PUD	
Detached in PUD's (Patio, Zero-Lot-Line, and Clustered Dwelling Units)															
Low density (based on density of underlying zone)	PUD-1	P		PUD-1	PUD-1						S-PUD	S-PUD	S-PUD	S-PUD	
Moderate density (Max 9.7 DU/A)		PUD-1		PUD-1	PUD-1						S-PUD	S-PUD	S-PUD	S-PUD	
High density (Max 14.5 DU/A)		PUD-2		PUD-1	PUD-1						S-PUD	S-PUD	S-PUD	S-PUD	
WITH Accessory Apartment	C										S-PUD	S-PUD			
WITH Bed and Breakfast	C	C		PUD-1	PUD-1						S-PUD	S-PUD	S-PUD	S-PUD	
WITH Day Care, Child - Type A	C	C		PUD-1	PUD-1						S-PUD	S-PUD	S-PUD	S-PUD	
WITH Day Care, Child - Type B	P	P		PUD-1	PUD-1						S-PUD	S-PUD	S-PUD	S-PUD	
WITH Family Home	P	P		PUD-1	PUD-1						S-PUD	S-PUD	S-PUD	S-PUD	
WITH Granny Cottage	C	C									S-PUD	S-PUD			
WITH Group Home	C	C									S-PUD	S-PUD			
<b>Multi-Family</b>															
Low density (Max 7.26 DU/A)		P		PUD-1	PUD-1						S-PUD	S-PUD	S-PUD		
Moderate density (Max 9.7 DU/A)		PUD-1		PUD-1	PUD-1						S-PUD	S-PUD	S-PUD		
High density (Max 14.5 DU/A)		PUD-2		PUD-1	PUD-1						S-PUD	S-PUD	S-PUD		
Note: The following multi-family uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity:															
1. Apartments/Attached Condominiums	3. Dormitory, Fraternity, Sorority				5. Three-Family										
2. Boarding House	4. Two-Family				6. Townhouse										

<b>Notes for Table 3-2 - TABLE OF PERMITTED USES</b>	
<b>ZONING CERTIFICATES:</b> (designations and requirements) See Section 3-2 for full explanation of terms, Ch. 7 regarding S-PUD's, Ch.17 regarding Conditional Uses, and Ch.18 regarding PUD's.	<b>P</b> = Permitted as-of-right with a Permitted Use Zoning Certificate after approval by the Zoning Inspector
	<b>PUD-1</b> = Permissible with a Planned Unit Development Zoning Certificate after public hearing and administrative approval by the Sycamore Township Zoning Commission
	<b>PUD-2</b> = Permissible with a Planned Unit Development Zoning Certificate after public hearing and administrative approval by the Board of Township Trustees
	<b>C</b> = Permissible with a Conditional Use Zoning Certificate after public hearing and administrative approval by the Board of Zoning Appeals
	<b>S-PUD</b> = Permissible with a Planned Unit Development Zoning Certificate after legislative approval of a zoning amendment to a Specific Plan District by the Board of Township Trustees.
<b>ZONING DISTRICTS:</b>	<b>AA-C</b> = Single Family Residence Districts including AA, A, A35, A-2, B, B-2, and C
	<b>D</b> = Multi-Family Residence District
	<b>O</b> = Office District
	<b>E</b> = Retail Business District
	<b>F</b> = Light Industrial District
	<b>CUP</b> = Community Unit Plan Overlay District
	<b>DD</b> = Planned Multi-Family District
<b>OO</b> = Planned Office District	
<b>EE</b> = Planned Retail District	
<b>FF</b> = Planned Light Industrial District	
<b>INTENSITY:</b>	<b>ISR</b> = Impervious Surface Ratio (the total area of buildings and hard-surfaced areas divided by the area of the lot excluding right-of-way)
	<b>DU/A</b> = Dwelling Units per Acre

TABLE 3-2 – TABLE OF PERMISSIBLE USES (continued from previous page)

Use (See definitions in Chapter 2 for further clarification)	Permissible Uses by District																
	AA-C	D		O	E	F						CUP	DD	OO	EE	FF	
<b>COMMERCIAL USES</b>																	
<b>Office</b>																	
<i>Low intensity (Max ISR = .50)</i>		C			P	P	P							S-PUD	S-PUD	S-PUD	S-PUD
<i>Moderate intensity (Max ISR = .65)</i>					PUD-1	PUD-1	PUD-1							S-PUD	S-PUD	S-PUD	
<i>High intensity (ISR over .65)</i>					PUD-2	PUD-2	PUD-2							S-PUD	S-PUD	S-PUD	
Note: The following office uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity (except as noted below*):																	
1. Accounting Services	9. *Medical Office/ Clinics (In the D District, this use is not permissible at any intensity)																
2. Architectural Services	10. Motels and Hotels																
3. Banking/Financial Institution	11. Optical Laboratories																
4. Banking with Drive-In or Drive-Through Facility	12. Professional Consulting Services																
5. Dental Laboratories	13. Psychological Counseling																
6. Funeral Home or Mortuary	14. Real Estate and Securities Brokering																
7. Legal Services	15. *Restaurant/Bar within an office use (In the O District, this use is permissible only if approved as a Conditional Use)																
8. Medical Laboratories	16. Tax Preparation Services																
<b>Retail Business</b>																	
<i>Low intensity (Max ISR = .50)</i>					PUD-1	P	P							S-PUD	S-PUD	S-PUD	
<i>Moderate intensity (Max ISR = .65)</i>						PUD-1	PUD-1							S-PUD	S-PUD		
<i>High intensity (ISR over .65)</i>						PUD-2	PUD-2							S-PUD	S-PUD		
Note: The following retail business uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity:																	
1. Amusement Park	15. Drag Strips, Raceways																
2. Art Gallery, Antique Store, Interior Decorator Service	16. Drive-In or Drive-Through Facility																
3. Automobile and Truck Rental	17. Durable Goods, Furniture & Appliances, Sales & Rental																
4. Automobile Sales (Accessory Service)	18. Dry Cleaning																
5. Automobile Service (mechanical)	19. Health & Fitness Facility																
6. Batting Cage	20. Gasoline Service Station (with repair)																
7. Barber Shops & Beauty Salon	21. Golf Driving Range																
8. Billiard Parlor or Pool Room	22. Grocery Store																
9. Bowling Alley	23. Gun Firing Range																
10. Building Materials, Sales & Distribution	24. Laundry																
11. Car Wash, Full Service	25. Machinery, Boat, Truck, Farm & Construction Equipment Sales, Rental & Service																
12. Car Wash, Self Service	26. Miniature Golf Course																
13. Convenience Store (with gas pumps)	27. Motorcycle, Sales & Service																
14. Delicatessens, Bakery Goods, Meat, Fruit & Vegetable Markets	28. Photo Lab, Picture, TV, or Sound Studio																
	29. Racquet Facilities (Tennis or Other Indoor Clubs)																
	30. Restaurant/Bar																
	31. Restaurant drive-in																
	32. Retail Sales & Service																
	33. Service Establishments: Dry Cleaning or Laundry Pick-up Stations, Print Shops, Tailoring, Shoe or Hat Repair																
	34. Shopping Center																
	35. Skating Facility																
	36. Studio: Art, Dance, Gymnastics, Music																
	37. Swimming pools, Tennis or Racquet Clubs, and Similar Recreation Facilities Open To The Public For A Fee																
	38. Tailoring																
	39. Theater, Motion Picture or Live Performance																

<b>Notes for Table 3-2 - TABLE OF PERMITTED USES</b>	
<b>ZONING CERTIFICATES:</b> (designations and requirements) See Section 3-2 for full explanation of terms, Ch. 7 regarding S-PUD's, Ch.17 regarding Conditional Uses, and Ch.18 regarding PUD's.	<b>P</b> = Permitted as-of-right with a Permitted Use Zoning Certificate after approval by the Zoning Inspector
	<b>PUD-1</b> = Permissible with a Planned Unit Development Zoning Certificate after public hearing and administrative approval by the Sycamore Township Zoning Commission
	<b>PUD-2</b> = Permissible with a Planned Unit Development Zoning Certificate after public hearing and administrative approval by the Board of Township Trustees
	<b>C</b> = Permissible with a Conditional Use Zoning Certificate after public hearing and administrative approval by the Board of Zoning Appeals
	<b>S-PUD</b> = Permissible with a Planned Unit Development Zoning Certificate after legislative approval of a zoning amendment to a Specific Plan District by the Board of Township Trustees.
<b>ZONING DISTRICTS:</b>	<b>AA-C</b> = Single Family Residence Districts including AA, A, A35 A-2, B, B-2, and C
	<b>D</b> = Multi-Family Residence District
	<b>O</b> = Office District
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	<b>OO</b> = Planned Office District
	<b>EE</b> = Planned Retail District
	<b>FF</b> = Planned Light Industrial District
<b>INTENSITY:</b>	<b>ISR</b> = Impervious Surface Ratio (the total area of buildings and hard-surfaced areas divided by the area of the lot excluding right-of-way) <b>DU/A</b> = Dwelling Units per Acre

TABLE 3-2 – TABLE OF PERMISSIBLE USES (continued from previous page)

Use (See definitions in Chapter 2 for further clarification)	Permissible Uses by District															
	AA-C	D		O	E	F					CUP	DD	OO	EE	FF	
<b>INDUSTRIAL USES</b>																
<b>Light Industry</b>																
<i>Low intensity (Max ISR = .50)</i>				PUD-1	PUD-1	P								S-PUD	S-PUD	
<i>Moderate intensity (Max ISR = .65)</i>						PUD-1									S-PUD	
<i>High intensity (ISR over .65)</i>						PUD-2									S-PUD	
Note: The following light industrial uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity (except as noted below):																
1. Automobile Body Shop 2. Heliport 3. Laundry, Dry Clean, Linen, Diaper Service (plant on premises) 4. Manufacturing, Light (per definition of Light Industrial in Chapter 2) 5. Outside Storage 6. Package Delivery Service, Truck Terminal, Taxicab Barn 7. Research Lab with hazardous materials 8. Warehouse, Display Room for Wholesale Activities																
<b>Mini-Storage Facility</b>																
<i>Low intensity (Max ISR = .50)</i>					C	P								S-PUD	S-PUD	
<i>Moderate intensity (Max ISR = .65)</i>					C	PUD-1								S-PUD	S-PUD	
<i>High intensity (ISR over .65)</i>					C	PUD-2								S-PUD	S-PUD	
<b>Recycling Facility</b>																
<i>Low intensity (Max. ISR = .40)</i>				PUD-1	PUD-1	PUD-1								S-PUD	S-PUD	
<i>Moderate intensity (Max ISR = .50)</i>						PUD-2									S-PUD	
<i>High intensity (ISR over .50)</i>																
<b>Transfer Station</b>																
<i>Low intensity (Max. ISR = .40)</i>				PUD-1	PUD-1	PUD-1								S-PUD	S-PUD	
<i>Moderate intensity (Max ISR = .50)</i>						PUD-2									S-PUD	
<i>High intensity (ISR over .50)</i>																
<b>Drop-off Center</b>																
<i>Low intensity (Max. ISR = .40)</i>				PUD-1	PUD-1	PUD-1								S-PUD	S-PUD	
<i>Moderate intensity (Max ISR = .50)</i>						PUD-2									S-PUD	
<i>High intensity (ISR over .50)</i>																
Telecommunication Tower (per procedures in ORC 519.211)	C	C	C	E X E M P T							SPUD	SPUD	E X E M P T			
Warehouse as Accessory Use				C	C									S-PUD	S-PUD	
Adult Entertainment Uses						C										

<b>Notes for Table 3-2 - TABLE OF PERMITTED USES</b>	
<b>ZONING CERTIFICATES:</b> (designations and requirements) See Section 3-2 for full explanation of terms, Ch. 7 regarding S-PUD's, Ch.17 regarding Conditional Uses, and Ch.18 regarding PUD's.	<b>P</b> = Permitted as-of-right with a Permitted Use Zoning Certificate after approval by the Zoning Inspector
	<b>PUD-1</b> = Permissible with a Planned Unit Development Zoning Certificate after public hearing and administrative approval by the Sycamore Township Zoning Commission
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	<b>C</b> = Permissible with a Conditional Use Zoning Certificate after public hearing and administrative approval by the Board of Zoning Appeals
	<b>S-PUD</b> = Permissible with a Planned Unit Development Zoning Certificate after legislative approval of a zoning amendment to a Specific Plan District by the Board of Township Trustees.
<b>ZONING DISTRICTS:</b>	<b>AA-C</b> = Single Family Residence Districts including AA, A, A35, A-2, B, B-2, and C
	<b>D</b> = Multi-Family Residence District
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	<b>FF</b> = Planned Light Industrial District
<b>INTENSITY:</b>	<b>ISR</b> = Impervious Surface Ratio (the total area of buildings and hard-surfaced areas divided by the area of the lot excluding right-of-way) <b>DU/A</b> = Dwelling Units per Acre

TABLE 3-2 – TABLE OF PERMISSIBLE USES (continued from previous page)

Use (See definitions in Chapter 2 for further clarification)	Permissible Uses by District										Planned Districts																				
	AA-C	D		O	E	F					CUP	DD	OO	EE	FF																
<b>AGRICULTURAL USES</b>																															
See Chapter 3 and Table 3-10 for criteria concerning these permitted uses.																															
<b>Rural Agriculture</b> (on lots greater than 5 acres)	EXEMPT IN ALL DISTRICTS																														
<b>Suburban Agriculture</b> (on lots not greater than 5 acres)	P	P		P	P	P																									
Note: 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:																															
<table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">1. Aquaculture &amp; Fishing Lakes</td> <td style="width: 25%;">5. Olericulture</td> <td style="width: 25%;">9. Farm Markets (Accessory Use)</td> <td style="width: 25%;">13. Club Activities</td> </tr> <tr> <td>2. Floriculture</td> <td>6. Pomiculture</td> <td>10. Beekeeping</td> <td>14. Future Farmers of America Activities</td> </tr> <tr> <td>3. Horticulture</td> <td>7. Viticulture &amp; Winemaking</td> <td>11. Keeping of Household Pets</td> <td>15. Farming of Trees, Mushrooms, and Sod, Tobacco &amp; Field Crops</td> </tr> <tr> <td>4. Ornamental Horticulture</td> <td>8. Private Compost Piles</td> <td>12. Kennel (private)</td> <td></td> </tr> </table>																1. Aquaculture & Fishing Lakes	5. Olericulture	9. Farm Markets (Accessory Use)	13. Club Activities	2. Floriculture	6. Pomiculture	10. Beekeeping	14. Future Farmers of America Activities	3. Horticulture	7. Viticulture & Winemaking	11. Keeping of Household Pets	15. Farming of Trees, Mushrooms, and Sod, Tobacco & Field Crops	4. Ornamental Horticulture	8. Private Compost Piles	12. Kennel (private)	
1. Aquaculture & Fishing Lakes	5. Olericulture	9. Farm Markets (Accessory Use)	13. Club Activities																												
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4. Ornamental Horticulture	8. Private Compost Piles	12. Kennel (private)																													
<b>Other Suburban Agriculture</b> (on lots not greater than 5 acres)																															
Greenhouses	P	P		P																											
Farm Markets (Principal Use)					P	P																									
Keeping of Exotic Wildlife					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																									

<b>Notes for Table 3-2 - TABLE OF PERMITTED USES</b>	
<b>ZONING CERTIFICATES:</b> (designations and requirements) See Section 3-2 for full explanation of terms, Ch. 7 regarding S-PUD's, Ch.17 regarding Conditional Uses, and Ch.18 regarding PUD's.	<b>P</b> = Permitted as-of-right with a Permitted Use Zoning Certificate after approval by the Zoning Inspector
	<b>PUD-1</b> = Permissible with a Planned Unit Development Zoning Certificate after public hearing and administrative approval by the Sycamore Township Zoning Commission
	<b>PUD-2</b> = Permissible with a Planned Unit Development Zoning Certificate after public hearing and administrative approval by the Board of Township Trustees
	<b>C</b> = Permissible with a Conditional Use Zoning Certificate after public hearing and administrative approval by the Board of Zoning Appeals
	<b>S-PUD</b> = Permissible with a Planned Unit Development Zoning Certificate after legislative approval of a zoning amendment to a Specific Plan District by the Board of Township Trustees.
<b>ZONING DISTRICTS:</b>	<b>AA-C</b> = Single Family Residence Districts including AA, A, A35, A-2, B, B-2, and C
	<b>D</b> = Multi-Family Residence District
	<b>O</b> = Office District
	<b>E</b> = Retail Business District
	<b>F</b> = Light Industrial District
	<b>CUP</b> = Community Unit Plan Overlay District
	<b>DD</b> = Planned Multi-Family District
	<b>OO</b> = Planned Office District
	<b>EE</b> = Planned Retail District
	<b>FF</b> = Planned Light Industrial District
<b>INTENSITY:</b>	<b>ISR</b> = Impervious Surface Ratio (the total area of buildings and hard-surfaced areas divided by the area of the lot excluding right-of-way) <b>DU/A</b> = Dwelling Units per Acre



TABLE 3-2 – TABLE OF PERMISSIBLE USES (continued from previous page)

Use (See definitions in Chapter 2 for further clarification)	Permissible Uses by District														
	AA-C	D		O	E	F					CUP	DD	OO	EE	FF
<b>RECREATIONAL, CULTURAL, and ENTERTAINMENT USES</b>															
<b>Recreation, Community Facility - Private</b> (nonprofit or privately owned and operated country clubs, swim and tennis facilities/clubs and YMCA's); also athletic fields and golf courses .															
<i>Low intensity (Max ISR = .50)</i>	C	C		P	P	P					S-PUD	S-PUD	S-PUD	S-PUD	S-PUD
<i>Moderate intensity (Max ISR = .65)</i>	C	C		PUD-1	PUD-1	PUD-1					S-PUD	S-PUD	S-PUD	S-PUD	S-PUD
<i>High intensity (ISR over .65)</i>	C	C		PUD-2	PUD-2	PUD-2					S-PUD	S-PUD	S-PUD	S-PUD	S-PUD
Campground or Summer Camp (Public or Private)	C										S-PUD				
Recreation Center, Internal Public or Private	C	P									S-PUD	S-PUD			
<b>Recreation, Community Facility - Public</b> (publicly owned or operated athletic fields, golf courses, swim/tennis facilities, parks, playgrounds, wildlife reservations, forests, senior centers, and recreation centers)															
<i>All intensities</i>	P	P		P	P	P					S-PUD	S-PUD	S-PUD	S-PUD	S-PUD
<b>Cultural and Entertainment Facility</b> (museum, outdoor drama theater (not drive-in), botanical garden, and zoo)															
<i>Low intensity (Max ISR = .50)</i>	C			P	P	P					S-PUD		S-PUD	S-PUD	S-PUD
<i>Moderate intensity (Max ISR = .65)</i>	C			PUD-1	PUD-1	PUD-1					S-PUD		S-PUD	S-PUD	S-PUD
<i>High intensity (ISR over .65)</i>	C			PUD-2	PUD-2	PUD-2					S-PUD		S-PUD	S-PUD	S-PUD

<b>Notes for Table 3-2 - TABLE OF PERMITTED USES</b>	
<b>ZONING CERTIFICATES:</b> (designations and requirements) <i>See Section 3-2 for full explanation of terms,                      Ch. 7 regarding S-PUD's, Ch.17 regarding Conditional Uses, and Ch.18 regarding PUD's.</i>	<b>P</b> = Permitted as-of-right with a Permitted Use Zoning Certificate after approval by the Zoning Inspector
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<b>ZONING DISTRICTS:</b>	<b>AA-C</b> = Single Family Residence Districts including AA, A, A35, A-2, B, B-2, and C
	<b>D</b> = Multi-Family Residence District
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	<b>CUP</b> = Community Unit Plan Overlay District
	<b>DD</b> = Planned Multi-Family District
<b>OO</b> = Planned Office District	
<b>EE</b> = Planned Retail District	
<b>FF</b> = Planned Light Industrial District	
<b>INTENSITY:</b>	<b>ISR</b> = Impervious Surface Ratio (the total area of buildings and hard-surfaced areas divided by the area of the lot excluding right-of-way) <b>DU/A</b> = Dwelling Units per Acre

### **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, which shall set out and delineate the zoning districts established by Section 3-1 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 Section 7-7.

### **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.

#### **3.5.0 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.

#### **3.5.0.1 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.

#### **3-5.1 Height of Institutions Related To Yards**

Public or private service 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.

#### **3-5.2 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.

#### **3-5.3 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.

### **3-5.4 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.

### **3-5.5 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.

### **3-5.6 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 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.

### **3-5.7 Low Projections in Required Front and Rear Yards**

Terraces, uncovered porches, platforms, decks, patios, ornamental features and handicapped ramps who's base height (excluding railings) does not exceed (3) three feet above grade may project into a required front or rear yard, but shall not be closer to any side lot line than the side yard requirement.

### **3-5.8 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 more than eight (8) feet above the ground above the ground.

### **3-5.9 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 when placed so as not to obstruct light and ventilation but not closer than two (2) feet to any lot line in any case.

### **3-5.10 Required Yard 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.

### **3-5.11 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.

### **3-5.12 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.

### **3-5.13 Limitation of One Main Building on Lot**

Every building hereafter erected or structurally altered shall be located on a 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.

### **3-5.14 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 Zoning Administrator, 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.

### **3-5.15 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.

### **3-5.16 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 4 (four) or more lots and have been approved by the Township Zoning Commission through the PUD-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 3-2:

### **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 (60) 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, which are located in the rear yard and at least three (3) 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, AND 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 3-2.

#### **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 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, 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, 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, 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.

#### 4-1.3 Conditional Uses

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

#### 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.

#### 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 the Tables in Section 4-6 and 4-7 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.
- (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.

#### 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.

#### 4-1.7 Buffer Yards and Resource Protection.

All uses and structures in the A-A, A, A35, A-2, B, B-2, C, and D Districts shall comply with the provisions of Chapters 14, 15 and any other appropriate Chapter.

## **4-2 THE “A-A, A, A35, A-2, B, B-2 AND C” RESIDENTIAL DISTRICTS**

### **4-2.1 Purpose**

The purpose of the A-A, A, A35, A-2, B, B-2 and C districts established by Section 3-1, 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 are permitted as of right in the A-A, A, A35, A-2, 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**

In addition to the uses specified as Planned Unit Developments ("PUD") in the Table of Permissible Uses found in the Table in Section 3-2, the following densities are permitted in the A-A, A, A-2, B, B-2 and C districts as PUD's provided they are approved as PUD-1's by the Sycamore Township Zoning Commission pursuant to the standards and procedures for planned unit developments set forth in Chapter 18 and in Section 4-2.5 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) A-A 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) B District: single-family detached dwellings at a maximum net density of 4.1 units per acre.
- (e) B-2 District: single-family detached dwellings at a maximum net density of 5.8 units per acre.
- (f) 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 A-A, A, A-2, B, B-2, and C Districts are set forth in the Table in Section 4-6 found at the end of this Chapter.

### **4-2.5 Single Family Planned Unit Development (PUD) Standards for Patio, Zero-Lot-Line and Single-Family Detached, Clustered Dwellings**

Subject to the provisions of Section 4-2.3, 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 Size(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

**EXAMPLE OF SITE PLAN  
PATIO DWELLINGS**



- (b) Zero-Lot-Line Dwelling. Each dwelling shall be located on an individual lot which is set 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 <sup>a</sup>
Minimum Building Spacing (ft.):	10 <sup>b</sup>
Minimum Lot Width (ft.):	45
Minimum Setback from Interior Right-of-way or access easement (ft.)	20

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

<sup>b</sup> Standard applicable when units are set back from the lot line and a use/maintenance easement is provided.

### EXAMPLE OF SITE PLAN ZERO-LOT-LINE DWELLING



- (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) 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 (ft.)	20

**EXAMPLE OF SITE PLAN  
CLUSTERED DWELLINGS**



## **4-3 “D” MULTI-FAMILY RESIDENTIAL DISTRICT**

### **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, 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 Developments**

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

- (a) Single-Family Detached Dwellings in PUD's.
- (b) Multi-Family Dwellings
  - (1) Apartment style
  - (2) Two Family
  - (3) Three Family
  - (4) Townhouse

### **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 the Table in Section 4-6.

### **4-3.5 Maximum Building Height**

The maximum building height permitted in the D district, exclusive of developments approved through the PUD procedure, for principal buildings, is as per Section 4-6. Maximum height for accessory structures shall be one story or 15 feet, 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 Lot Width (ft.):	18
Minimum Yards (per structure)	
Front (ft.):	20
Rear (ft):	30
Minimum Setback from Interior Right-of-way or access easement (ft.)	20

#### EXAMPLE OF SITE PLAN TOWNHOUSE DWELLINGS



**TABLE 4-6  
LOT AREA, LOT WIDTH, MAXIMUM HEIGHT AND YARD REQUIREMENTS FOR LOW DENSITY  
USES PERMITTED AS OF RIGHT IN RESIDENTIAL DISTRICTS**

DIMENSIONS	DISTRICTS							
	A-A	A	A-2	B	B-2	C	D	A35
<b>MAXIMUM HEIGHT</b>								
I. Principal Building								
A. Stories (whichever is less)	2.5	2.5	2.5	2.5	2.5	2.5	3.5	2.5
B. Feet (whichever is less)	35	35	35	35	35	35	45	35
<b>LOT REQUIREMENTS</b>								
I. Minimum Lot Size Per Unit								
A. Single-family detached (sq. ft.)	43,560	20,000	14,000	10,500	7,500	6,000	6,000	35,000
B. Multi-Family								
1. Apartment style (sq. ft.)	NA	NA	NA	NA	NA	NA	6,000	NA
2. Two-Family (sq. ft.)	NA	NA	NA	NA	NA	NA	6,000	NA
3. Three-Family (sq. ft.)	NA	NA	NA	NA	NA	NA	6,000	NA
4. Townhouse (sq. ft.)	NA	NA	NA	NA	NA	NA	6,000	NA
II. Minimum Lot Width								
A. Single-family detached (ft.)	150	100	80	70	60	50	50	100
B. Multi-Family								
1. Apartment style (ft.)	NA	NA	NA	NA	NA	NA	100	NA
2. Two-Family (ft.)	NA	NA	NA	NA	NA	NA	80	NA
3. Three-Family (ft.)	NA	NA	NA	NA	NA	NA	90	NA
4. Townhouse (ft.)	NA	NA	NA	NA	NA	NA	18	NA
<b>MINIMUM YARD REQUIREMENTS</b>								
I. Front Yard								
A. Single-family detached (ft.)	50	50	40	35	35	30	30	50
B. Multi-Family								
1. Apartment style (ft.)	NA	NA	NA	NA	NA	NA	30	NA
2. Two-Family (ft.)	NA	NA	NA	NA	NA	NA	30	NA
3. Three-Family (ft.)	NA	NA	NA	NA	NA	NA	30	NA
4. Townhouse (ft.)	NA	NA	NA	NA	NA	NA	†	NA
II. Side Yards (each)								
A. Single-family detached (ft.)	25	15	10	8		5	5	15
1. Total					13			
2. Minimum					5			
B. Multi-Family								
1. Apartment style (ft.)	NA	NA	NA	NA	NA	NA	10	NA
2. Two-Family (ft.)	NA	NA	NA	NA	NA	NA	8	NA
3. Three-Family (ft.)	NA	NA	NA	NA	NA	NA	10	NA
4. Townhouse (ft.)	NA	NA	NA	NA	NA	NA	†	NA
III. Rear Yard								
A. Single-family detached (ft.)	60	35	35	35	30	30	30	35
B. Multi-Family								
1. Apartment style (ft.)	NA	NA	NA	NA	NA	NA	40	NA
2. Two-Family (ft.)	NA	NA	NA	NA	NA	NA	30	NA
3. Three-Family (ft.)	NA	NA	NA	NA	NA	NA	30	NA
4. Townhouse (ft.)	NA	NA	NA	NA	NA	NA	†	NA

**NOTE:** \* Subject to the standards contained in Chapter 4, Section 4-4.

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

**TABLE 4-7**

**LOT AREA, LOT WIDTH, MAXIMUM HEIGHT AND YARD REQUIREMENTS FOR SINGLE FAMILY  
DETACHED DWELLINGS IN PLANNED UNIT DEVELOPMENTS (PUD'S)**

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

## CHAPTER 5 COMMERCIAL DISTRICTS

### 5-1 GENERAL PROVISIONS

#### 5-1.2 Statement of Intent

The Commercial Districts, which include the O Office district and the E Retail Business district, 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 ground level and roof top mechanical equipment visible from public streets and residential districts or any districts with permitted residential uses shall be screened.
- (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.
- (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, 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.
- (e) Permanent Outdoor Storage or Display.
  - (1) The outdoor storage or display of merchandise materials or inventory shall not encroach into areas of required parking.
  - (2) The outdoor storage or display of materials, merchandise, or inventory shall not be located in any required pervious surface area within the lot.
  - (3) The outdoor storage or display of materials, merchandise, or inventory shall not include the use of banners, pennants or strings of pennants.
  - (4) Outdoor storage areas shall 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.

#### 5-1.4 Conditional Uses

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

### **5-1.5 Planned Unit Developments**

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

### **5-1.6 Signs**

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

### **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 Section 5-5 found at the end of this Chapter. Additional bulk and yard requirements and exceptions are contained in Section 3-5.

### **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.

### **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 and 15.

## **5-2 THE "O" [OFFICE] DISTRICT**

### **5-2.1 Purpose**

The purpose of the O district established by Section 3-1, 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 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 district established by Section 3-1 is to provide for general business uses and other uses listed in Section 3-2 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 are permitted as of right in the E 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 5-4 -DELETED**

**TABLE 5-5  
LOT AREA, BULK AND YARD REQUIREMENTS IN COMMERCIAL DISTRICTS FOR LOW  
INTENSITY USES PERMITTED AS OF RIGHT**

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

**NOTES:**

<sup>1</sup> Also see buffer yard requirements in Chapter 14.

<sup>2</sup> These standards may be exceeded up to the maximums specified in Section 3-2, if approved as a PUD-1 with appropriate modifications in the above standards pursuant to Chapter 18. Proposed commercial uses that exceed PUD-1 standards in Section 3-2 shall require PUD-2 approval by the Board of Township Trustees with appropriate modifications on the above standards pursuant to Chapter 18.

## 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 ground level and roof top mechanical equipment visible from public streets and residential districts or any districts with permitted residential uses shall be screened.
- (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.
- (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.

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.

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.

- (d) 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.
- (e) Permanent Outdoor Storage or Display.
  - (1) The outdoor storage or display of merchandise, materials or inventory shall not encroach into areas of required parking.
  - (2) The outdoor storage or display of materials, merchandise, or inventory shall not be located in any required pervious surface area within the lot.
  - (3) The outdoor storage or display of materials, merchandise, or inventory shall not include the use of banners, pennants, or strings of pennants.
  - (4) Outdoor storage areas in the F District shall 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 district subject to the provisions of Chapter 10.

#### 6-1.4 Conditional Uses

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

#### 6-1.5 Planned Unit Developments

The uses specified as Planned Unit Developments (PUD-1's) in the Table of Permissible Uses found in Section 3-2 require approval by the Sycamore Township Zoning Commission pursuant to the standards and

procedures for Planned Unit Developments set forth in Chapter 18 and all other applicable requirements of this Resolution. Proposed industrial uses whose intensity exceeds the maximums indicated in Section 3-2 for PUD-1's shall require PUD-2 approval by the Board of Township Trustees pursuant to Chapter 18.

### **6-1.6 Signs**

Signs are permitted in the F district subject to the provisions of Chapter 13.

### **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 Section 6-5 found at the end of this Chapter.

### **6-1.8 Parking Standards**

All uses and structures permitted in the F district shall comply with the parking requirements set forth in Chapter 12.

### **6-1.9 Buffer Yards and Resource Protection.**

All uses and structures permitted in the F district shall comply with the provisions of Chapters 14 and 15.

## **6-2 THE "F" [LIGHT INDUSTRIAL] DISTRICT**

### **6-2.1 Purpose**

The purpose of the F district established by Section 3-1 is to create and protect areas for light manufacturing, processing, storage, wholesaling and distribution operations serving primarily local needs. 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, are permitted as of right in the F 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 6-5  
 LOT AREA, BULK AND YARD REQUIREMENTS  
 INDUSTRIAL DISTRICTS FOR USES PERMITTED AS OF RIGHT**

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

**NOTES:**

<sup>1</sup> See buffer yard requirements in Chapter 14.

<sup>2</sup> These standards may be exceeded up to the maximums specified in Section 3-2, if approved as a PUD-1 with appropriate modifications in the above standards pursuant to Chapter 18. Proposed industrial uses that exceed PUD-1 standards in Section 3-2 shall require PUD-2 approval by the Board of Township Trustees with appropriate modifications on the above standards pursuant to Chapter 18.



## **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 Impact Controls**

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.

##### **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.

##### **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. 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.

##### **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, 15 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 six 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, shall submit a PUD 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 Zoning Administrator, Sycamore Township Zoning Commission, and Board of Township Trustees should consider the Standards for Amendments (Section 16-4), the Standards for PUD Plans (Section 18-7) and the guidelines for each Specific Plan District in Appendix 6.
- (c) Property Owner Acceptance, Recording and Certification of Compliance. The PUD 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) Within ten days after the close of the public hearing by the Board of Township Trustees, or as determined by the Zoning Administrator, the property owner shall submit a PUD plan no more than thirty (30) days, to the Zoning Administrator, incorporating the following on the plan:
    - 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
    - a Deed of Acceptance of the PUD Plan and the Amendment executed by the owner of the real estate.
  - (2) Within ten days after receipt of the revised PUD Plan and executed Deed of Acceptance, the Board of Township Trustees shall act on the proposed Amendment pursuant to Section 16-5.7.
  - (3) 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.

- (d) 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 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 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) Plan, as defined in Chapter 2, 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 4-7 and Section 4-2.5. 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.
- (b) The requirements for the "DD" district shall be the same as the "D" district shown in Table 4-6 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 5-5.
- (d) The requirements for the "EE" district shall be the same as the "E" district shown in Table 5-5.
- (e) The requirements for the "FF" district shall be the same as the "F" district shown in Table 6-5

#### **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 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 Plan**

The supplemental regulations, including conditions, covenants and the PUD 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, shall be a violation of the Zoning Resolution and shall be subject to the provisions and penalties prescribed therefore in Chapter 24.

#### **7-2.8 Adjustments to Zoning Compliance Plans and PUD Plans**

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

#### **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.

## 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:

- (a) From 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) From significant damage to neighborhoods that contain large institutional and other nonresidential uses or support services;
- (c) From significant damage or destruction of prominent wetlands, floodplains, hillsides and/or valleys or other natural resources caused by improper development thereof;
- (d) From 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) From soil erosion, stream siltation and development on unstable land;
- (f) From the loss or destruction of mature and/or valuable trees and other natural resources;
- (g) From 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 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 8-5 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 Sycamore Township Zoning Commission. The strategy shall contain:

- a boundary map for the proposed overlay district,
- justifications for establishment of the proposed overlay district standards and boundaries including development goals and policies for the area within the proposed boundary, and
- 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, 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)
- (d) Suburban Village (SPI-SV)

## **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 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 metropolitan area can be achieved through innovative development regulations based on comprehensive plans.

### **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) adopted by the Sycamore 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 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 Chapter 8.

## **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) adopted by the Sycamore 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 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 Chapter 8.

## **8-4 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.

### **8-4.1 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 adverse to the physical character of the area.

## **8-4.2 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) adopted by the Sycamore 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 sociogeographic 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.

## **8-4.3 Designation**

The SPI-Suburban Center Districts and Suburban Corridor District which meet the characteristics contained in Section 8-2.2 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 Chapter 8.

### **8-4.3.1 Special Public Interest District – Suburban Center/Corridor Kenwood/Montgomery Road Corridor Overlay**

#### **8-4.3.1.1 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 adverse to the physical character of the area.

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

#### **8-4.3.2 Permitted Uses**

Permitted uses within this overlay district shall be as follows and as further identified in Table 3-2 – Table of Permissible 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. PUD-2; any use listed above; I.S.R. above .50

#### **8-4.3.3 Accessory Uses**

Accessory uses and structures shall be permitted in this overlay district subject to the provisions of Chapter 10 and Section 8-4.3.5.

**8-4.3.4 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, and Chapter 18. Uses not listed in this table or in Section 8-4.3.2 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 2)
- D. Retail - Shopping – Less than 100,000 square feet in gross floor area. (PUD 2)
- E. Retail - Commercial Entertainment Facility (PUD 2)
- F. Retail – Personal Services (PUD 2)
- G. Restaurant – Without Drive Thru or Drive up service (PUD 2)
- H. Gasoline Service Station / Convenience Mart (PUD 2)
- I. Nursing and Convalescent Home (Conditional Use)

**8-4.3.5 Lot Area, Bulk and Yard Requirements for the Kenwood/Montgomery Road Corridor Overlay**

Requirement		
<b>A. Maximum Height</b>		
1. Principal Building Height (ft.)	40	
2. Accessory Structure Height (ft.)	20	
<b>B. Lot Requirements</b>		
1. Minimum Lot Area (sq. ft.)	20,000	
2. Minimum Lot Width (ft.)	100	
<b>C. Minimum Yard Requirements</b>		
1. Front Yard (ft.)	40	
2. Side Yards (ft. each)	20	
3. Rear Yard	20	
<b>D. Maximum Impervious Surface Ratio (unless otherwise identified in Section 8-4.3.4)</b>	.50	

**8-4.3.6 Vehicular Use Areas**

Except as otherwise identified in the specific regulations below, vehicular use areas shall be regulated as established in Chapter 12.

(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 feet (10') 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 percent (20%), 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.

(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.

### **8-4.3.7 Signs**

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

### **8-4.3.8 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.

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.

### **8-4.3.9 Vehicular Use Areas**

The interior landscaping and streetscape buffering of vehicular use areas shall be regulated as established in Chapter 12 and 14 of this Zoning Resolution.

### **8-4.3.10 Buffer Yards and Resource Protection**

Buffering is required between adjoining parcels, subject to the provisions of Chapter 14 of this Resolution.

### **8-4.3.11 Definitions**

*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. Does not include adult entertainment or sexually oriented businesses.

*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.

*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.

## **8-5 SPECIAL PUBLIC INTEREST-SUBURBAN VILLAGE DISTRICTS**

Special Public Interest (SPI) Suburban Village Districts shall be designated SPI-SV Overlay Districts.

### **8-5.1 Legislative Findings and Specific Purpose**

The development and conservation of village and hamlet character within an expanding metropolitan area requires protection over and above the protection provided by conventional zoning regulations as follows:

- (a) To bring many of the activities of daily living, including dwellings, shopping and working within walking distance;
- (b) To minimize traffic congestion by reducing the number and length of automobile trips;
- (c) To limit the need for road construction and encourage public transit by organizing appropriate building densities;
- (d) To create a sense of place by providing public spaces and squares;
- (e) To integrate economic class and age groups into an authentic community by providing a wide range of housing types and workplaces; and
- (f) To enable and protect quality village ambiance through proper balance of concentration, complexity and continuity.

### **8-5.2 Characteristics**

SPI-SV districts shall be limited to geographic areas included in an SPI-Suburban Village Development Strategy (as defined in Section 8-1.7) adopted by the Sycamore Township Zoning Commission and which contain or are planned to contain all of the following characteristics:

- (a) The Village is physically understood and limited in size.
- (b) A diversity of uses, such as residences, shops, workplaces, and public buildings are located in the Village, all in close proximity.
- (c) A hierarchy of streets serve the needs of the pedestrian and the automobile equitably.
- (d) Physically defined squares and parks provide places for informal social activity and recreation.
- (e) Private buildings form a clear edge, delineating the public street space and the block interior.
- (f) Public buildings and squares reinforce the identity of the neighborhood, becoming symbols of community identity and providing places of purposeful assembly for social, cultural and religious activities.

### **8-5.3 Designation**

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

## **8-6 DEVELOPMENT AUTHORIZATION**

### **8-6.1 Applications; Contents**

Applications for zoning certificates in SPI districts shall be made to the Zoning Administrator pursuant to Chapter 20. Said 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.

### **8-6.2 Modification Procedure**

Any supplemental regulations adopted pursuant to this Chapter may be modified as provided in Section 8-6.3 after public hearing upon a finding by the Sycamore 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 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.

### **8-6.3 Modification Limits**

Upon having made the findings set forth in Section 8-6.2 the regulations set forth therein may be modified by the Sycamore 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**

### **NON-CONFORMATIES**

#### **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 affect 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 and only permissible as a PUD 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 who 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 shall thereafter conform to all the 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.

### **9-1.6 Inventory and Notice of Nonconforming Uses**

Within two (2) years after the effective date of this Resolution, or any amendment thereto creating new nonconformities, or such longer period as may be required, the Zoning Inspector shall inventory all nonconforming uses and determine the names and addresses of the owners of record thereof. For each such nonconformity inventoried, the Zoning Inspector shall determine the nature and extent of the nonconformity.

Upon making such determination, the Zoning Inspector shall notify the aforesaid owner or lessee in writing by registered mail of his determination. Such inventory and notices shall be kept on file by the Zoning Inspector and shall be a matter of public record.

The determinations of the Zoning Inspector made pursuant to this section shall be subject to appeal to the Board of Zoning Appeals pursuant to Chapter 22 in the same manner as other rulings and interpretations.

This Section does not relieve the burden establishing the legality of the nonconforming use from the property owner. It also does not relinquish the establishment of a nonconforming use if the inventory is not performed or completed.

### **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.

Any person receiving a notice pursuant to Section 9-1.6 above shall be required, within sixty (60) days of the receipt of such notice, to apply to the Zoning Inspector for a Nonconforming Use Zoning Certificate with respect to the identified nonconformity. Unless an appeal from the determination of the Zoning Inspector has been filed, such application shall be accompanied by an affidavit acknowledging the Zoning Inspector's determination. This affidavit shall be kept on file by the Zoning Inspector and shall be a matter of public record.

If, upon reviewing an application for a Nonconforming Use Zoning Certificate for a nonconformity, the Zoning Inspector determines that the use in question was lawfully existing at the time of the adoption of the provision creating the nonconformity in question, and remains lawful existing subject only to such nonconformity at the time of such application, and that any required affidavit is in order, the Zoning Inspector shall issue a Nonconforming Use Zoning Certificate evidencing such facts and setting forth the nature and extent of the nonconformity. Otherwise, the Zoning Inspector shall decline to issue such certificate and shall declare such use of land or structure to be in violation of this Resolution.

## **9-2 NONCONFORMING USES OF LAND AND STRUCTURES**

### **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.

### **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, 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, 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, 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 or other structure 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.

#### **9-2.7 Moving**

No nonconforming use of land shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zoning district in which it is located after being so moved. No structure that is accessory to a nonconforming use of land, and is devoted in whole or in part to a nonconforming use shall be moved in whole or in part, for any distance whatsoever, to any location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

#### **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 by the grant of a Zoning Certificate following a public hearing. The restored nonconforming use shall be accomplished without increasing the degree of any 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.

### **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.

### **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 structure new shall not be restored unless its restoration has been authorized by the Board of Zoning Appeals pursuant to Section 9-5 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 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 Zoning Administrator.

This Section 9-3.4 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.

## **9-4 NONCOMPLYING 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 may be erected on a legal nonconforming lot.

### **9-4.2 Regulations for Single Family Use of Noncomplying 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; the width of the side yard of any such lot need not exceed ten (10%) percent of the width of the lot; the depth of the rear yard of any such lot 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. 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.

### **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. The application shall address site plan features and considerations, including but not limited to:

- (a) The location and size of the property 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 the surrounding neighborhood;
- (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 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, the Zoning Administrator shall prepare and submit to the Board of Zoning Appeals a report that sets forth findings and recommendations. Upon receipt of the Administrator'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. 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: required improvement of, or modifications to existing improvements on, the property; limitations on hours of operations; and 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 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 unless otherwise stated below.

A satellite dish antenna that is 36" or less in diameter and is attached to the wall or roof of the main building (Section 10-6.1) in any district 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 3-5.7) and automobile rentals (Section 10-10).

#### **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**

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, or Chapter 17 shall be maintained in connection with an accessory use or structure.

##### **10-3.3 Location**

No accessory use or structure shall be located in the front or side yard and the total combined area of all accessory structures shall not occupy more than thirty five (35%) percent of the required area of the rear yard. 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 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. 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 Features in Front and Side Yards**

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.

### **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 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 only within the closed 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 sign not exceeding (2) two 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 AND TRASH HANDLING AREAS FOR COMMERCIAL DISTRICTS**

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

### **10-5.1 Setbacks**

Dumpsters, 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 on three sides by a wall from the view from public streets and any abutting properties located in a residential, office, or commercial district.

### **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 shall be constructed in a durable fashion of brick, stone, or other masonry materials. 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 and related trash handling areas shall be restricted to pick up times between 7:00 AM and 9:00 PM.

## **10-6 SATELLITE DISH ANTENNAS**

A satellite dish antenna, as defined in Chapter 2, 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:

### **10-6.0 Applicability**

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

- (a) An earth station (ground-mounted) 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) An earth station (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 (Section 10-6.1) in any district.

### **10-6.1 Site Plan**

A plan for a wall or roof mounted satellite dish or a ground mounted satellite dish antenna that is not exempted under 10-6.0 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.

### **10-6.2 Standards**

- (a) 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) Approval of a ground mounted satellite dish antenna shall be subject to the following standards:
- (1) Location.
    - In the AA, A, A-2, B, B-2, and C Districts satellite dish antennas shall be located in the rear of the property beyond the rear building line.
    - 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:
    - Rear Yard and Side Yard. In all zone Districts, fifteen feet (15').
    - 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.
    - Setback from Power Lines. Satellite dish antennas, or any appurtenances thereto, shall be located at least eight feet (8') from any power line over two hundred-fifty (250) volts.
  - (3) Landscaping. 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:
    - In the A-A, A, A-2, B, B-2, and C Districts, ten feet (10').
    - In the all other Districts, twelve feet (12').
  - (5) Height. Ground-mounted antennas shall be limited to a maximum height of twelve feet (12') above grade in the A-A, A, A-2, B, B-2, and C Districts, and a maximum height of fifteen feet (15') 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 auxiliary and accessory use structures located upon the building site.
  - (7) Number Permitted. Only one 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.

## **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 and Section 15-2.2 for additional fence and wall standards.

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

No fence or wall shall be located in any defined front yard. A fence located in the defined side yard shall be built to a height greater than three (3') feet and shall have an open face area of no less than 50 percent or when constructed to a height of not more than four feet (4') above grade, shall have an open face area of no less than 75 percent. Fences and walls as provided in Sections 10-5.3 and 10-7.4 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 feet (6') above grade. Fences and walls as provided in Sections 10-5.3 and 10-7.4 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 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-D).
- (c) Signage on such entrance wall shall be subject to size and illumination standards contained in Chapter 13.

### **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 in Sycamore Township, unless the lot of record is more than five (5) acres and the fence is being used for agricultural purposes.

## **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 feet (3') and no greater than six feet (6').

### **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.

## **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 facility shall be permitted only as an accessory use in the O and E 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 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 be at least five (5) spaces per window lane, calculated from the first customer contact point, and shall be adequate to keep traffic from backing up into the street.

### **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.

## **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. 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.

## **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 12.5 feet in height measured to the mean height level between eaves and ridge for gable, hip and gambrel roofs (Reference Appendix 1).

### **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 and 10-3.3.

## **10-13 ACTIVE RECREATION AREAS**

Swimming pools (measured from the edge of water), 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 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 and 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 11-4.7 - Tents.

### **10-15.3 Temporary Signs**

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

## **CHAPTER 11**

### **TEMPORARY USES**

#### **11-1 AUTHORIZATION**

Temporary uses as defined in Chapter 2 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, no temporary use 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.

#### **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. No temporary use shall be permitted if it would have significant negative impact on any adjacent property or on the area as a whole.

##### **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 such as are designated by the Administrative Official, in the Zoning Certificate required by Section 11-2. 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.

##### **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 use in connection with permanent uses located on the zoning lot in question.

### **11-3.7 Additional Conditions**

Every temporary use shall, in addition, 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 herein specified:

### **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 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. 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 Chapter 14, Section 14-9.

### **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. 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 permitted in any 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. 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 County Building Department the applicant or concessionaire shall provide written approval of the 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.

#### **11-4.8 Portable Storage Containers**

Residential and Commercial use properties are permitted one (1) portable storage container not to exceed fourteen (14) consecutive days per calendar year. The container must 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. A portable storage container is intended to provide “temporary” storage for moving and similar short-term purposes. These units are not permitted as a permanent accessory storage structure, regardless of the proposed location of the unit. A temporary/accessory use zoning certificate is required before the container is placed on-site.

### **11-5 BULK AND YARD REGULATIONS**

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

# VEHICULAR USE AREAS AND LIGHTING

## 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 vehicular use areas on adjacent properties, to enhance vehicular use 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

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. 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.

### 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 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 vehicular use 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 the number of parking spaces, the arrangement of parking aisles, the location of driveway entrances, provisions for vehicular and pedestrian circulation, the location or typical location of sidewalks, wheel stops, lighting and curbs on or adjacent to the property, the location of utilities, barriers, shelters, and signs, the location of landscaped areas and the types and location of vegetation to be planted in them, 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 12-9, 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 fraction  $\frac{1}{2}$  or less shall be disregarded and any fraction over  $\frac{1}{2}$  shall require one (1) 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 present at any one time shall govern.
- (d) Interpretation. For uses not expressly listed in Table 12-9, 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 shall be provided in accordance with the provisions of the Ohio Basic Building Code.

### 12-3.3 Shared Parking

For shopping centers, parking requirements may be located on adjoining parcels if the parking requirements for the entire shopping center are met, the total number of required parking spaces are located within 300 feet from the uses they are intended to serve, and there is 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

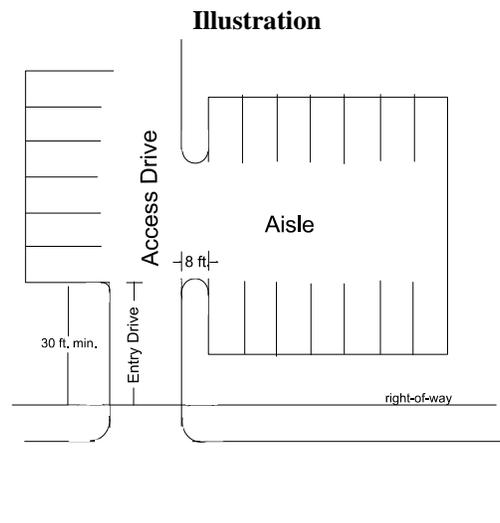
Each required parking space shall meet the minimum dimensional requirements set out in Table 12-4 and illustrated in Figure 12-4A.

### 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 12-4 and illustrated in Figure 12-4A.

### 12-4.2 Access

All parking spaces shall be entered and exited along parking aisles arranged perpendicular to access drives wherever possible. Parking shall be restricted along the area defined as an “entry drive” entry drives within thirty feet (30') 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 feet (8') of the curb or pavement edge of such restricted entry drive area.



### **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 (3) 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 Handicapped Parking Spaces**

The dimension of parking spaces serving handicapped persons shall conform to the requirements of the Ohio Basic Building Code.

### **12-4.5 Surface and Drainage**

Every off-street parking lot and driveway shall be surfaced with 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.

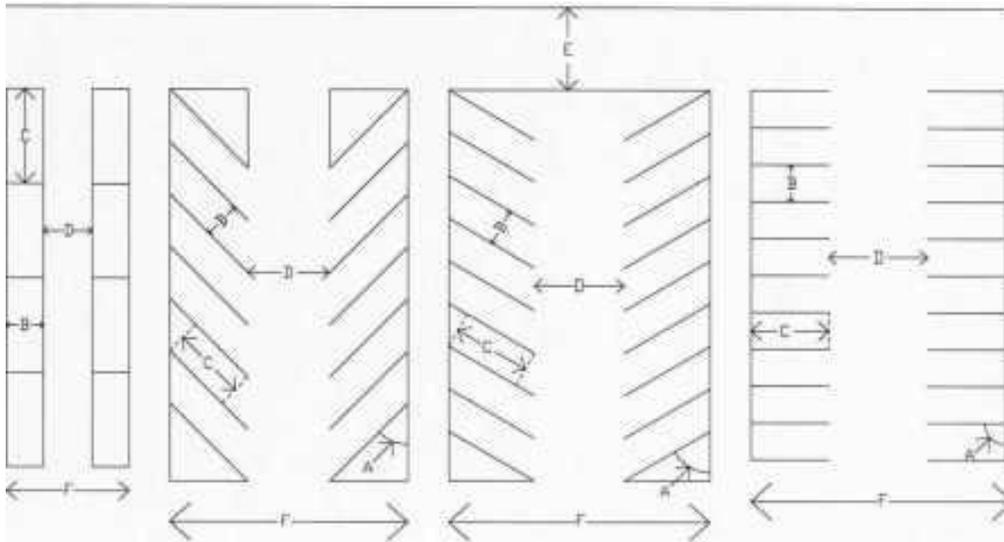
### **12-4.6 Lighting**

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

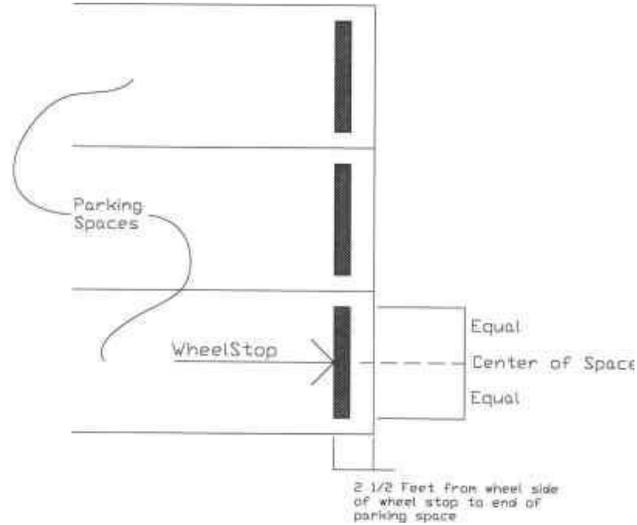
**TABLE 12-4  
PARKING STALL AND AISLE DIMENSIONS**

A  PARKING ANGLE	B  STALL WIDTH	C  LENGTH OF STALL	D  AISLE WIDTH		E  WIDTH OF ACCESS DRIVE	F  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 ft.	24 ft.	30 ft.
30° - 53°	9 ft.	18 ft.	13 ft.	20 ft.	20 ft.	42 ft.	49 ft.
54° - 75°	9 ft.	19 ft.	18 ft.	22 ft.	20 ft.	52 ft.	56 ft.
76° - 90°	9 ft.	19 ft.	22 ft.	24 ft.	20 ft.	60 ft.	62 ft.

**FIGURE 12-4A  
PARKING STALL AND AISLE LAYOUT**



**FIGURE 12-4B  
WHEEL STOP PLACEMENT**



## 12-4.7 Wheel Stops and Continuous Curbs

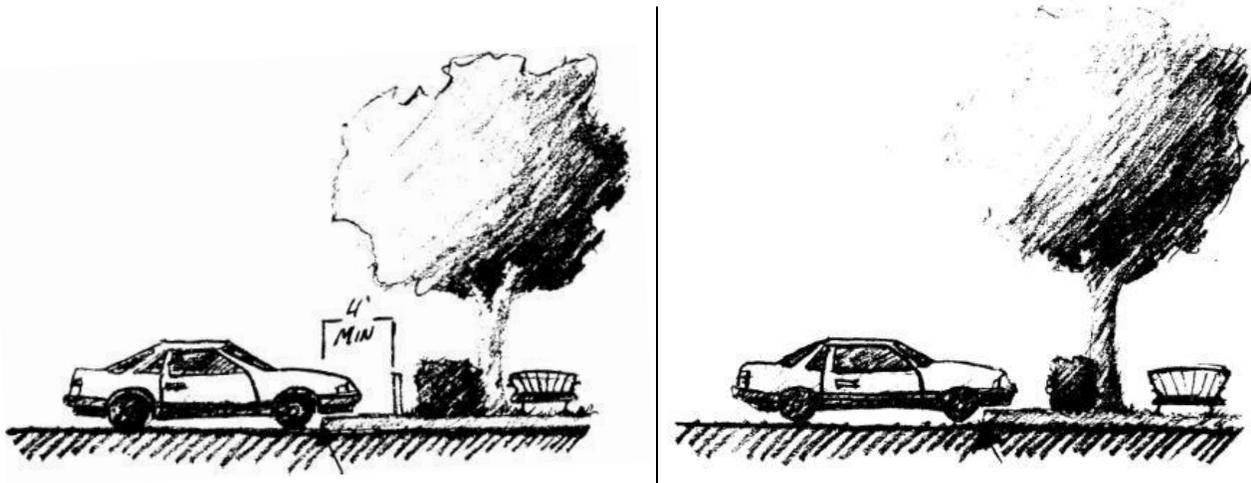
Wheel stops or continuous curbs shall be provided, located, and designed to protect required screening devices and landscaping and pedestrian ways from damage or encroachment of vehicles and to provide necessary traffic control in the parking area.

- (a) Wheel Stops. Each wheel stop shall be a singular block of reinforced concrete, stone, or other durable material six inches (6") in height, six inches (6") in width, and eight feet (8') in length. Wheel stops shall be placed as shown in Figure 12-4B and securely attached to the ground and may be used only at the end of parking stalls.
- (b) Continuous Curbs. Continuous curbs shall be made of asphalt, concrete, or stone, and shall be a minimum of six inches (6") in height and six inches (6") 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 feet (4') from any structures, buildings, walls, or plant material, excluding groundcover (as shown in Figure 12-4C) 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 12-4 and illustrated in Figure 12-4A (Dimension 'C') may be reduced by two and one-half feet (2½') as shown in Figure 12-4D 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 12-4 and illustrated in Figure 12-4A (Dimension 'C') shall not be reduced.

## 12-4.8 Slope

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

**FIGURE 12-4C  
STRUCTURE AND PLANTING SETBACK REQUIREMENTS**



**4' MINIMUM REQUIRED**

**FIGURE 12-4D**  
**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.

### 12-5.2 Residential Parking

In any residential use parcel or 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 such drive serving a detached dwelling. Within ten feet (10') of the right-of-way, the maximum width of the driveway shall be twenty-four feet (24') 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 (1) commercial vehicle owned or normally operated by a resident of the premises and such vehicle shall not exceed one and one-half ( $1\frac{1}{2}$ ) tons capacity.

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

In any Residential District placing a boat, trailer, 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 definition for junk 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 of 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 VEHICULAR USE 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 and 12-2.2 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.

Where the total parking provided is located in more than one location on a site and each location contains less than five (5) parking spaces, each such area shall be exempt from Section 12-6 if separated on all sides by at least twenty feet (20') of non-paved area.

- (c) Alteration or expansion. Where an existing vehicular use 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 and not merely to the extent of its expansion.

### **12-6.2 Total Landscaping Required**

The total landscaping required in vehicular use areas is 22 sq. ft. per parking and stacking space. Interior and streetscape landscaping count 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.

### **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 Section 12.
  - Location. All parking spaces must be at least within 100 feet of a landscaped area.

Retail uses having a sidewalk abutting or parallel to the storefront, three (3) feet of landscaping between the sidewalk and vehicular use 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 in height and other ground cover must be planted in the buffer zone at a ratio of not less than 30 per 100 feet of buffer.

Office uses that have a sidewalk abutting or parallel to the building, three (3) feet of landscaping between the sidewalk and vehicular use area is required for 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 one (1) foot in height and other ground cover must be planted in the buffer zone at a ratio of not less than 30 per 100 feet of buffer.

- (b) Minimum Area. The minimum landscape area shall be one hundred (100) square feet, except as provided for in Section 12-6.3(h)
- (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 feet (5') above the ground and shrubs or groundcover shall not exceed two feet (2') 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 feet (10') by ten feet (10'), except as provided for in Section 12-6.3(h).
- (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 (25) twenty five 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 22 sq. ft. per parking and stacking space (Sec. 12-6.2) 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 10 parking spaces for retail uses and three (3) canopy trees for each 10 parking spaces for non-retail uses. Any fractional number of trees should be calculated to the next highest whole number.

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 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, 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.

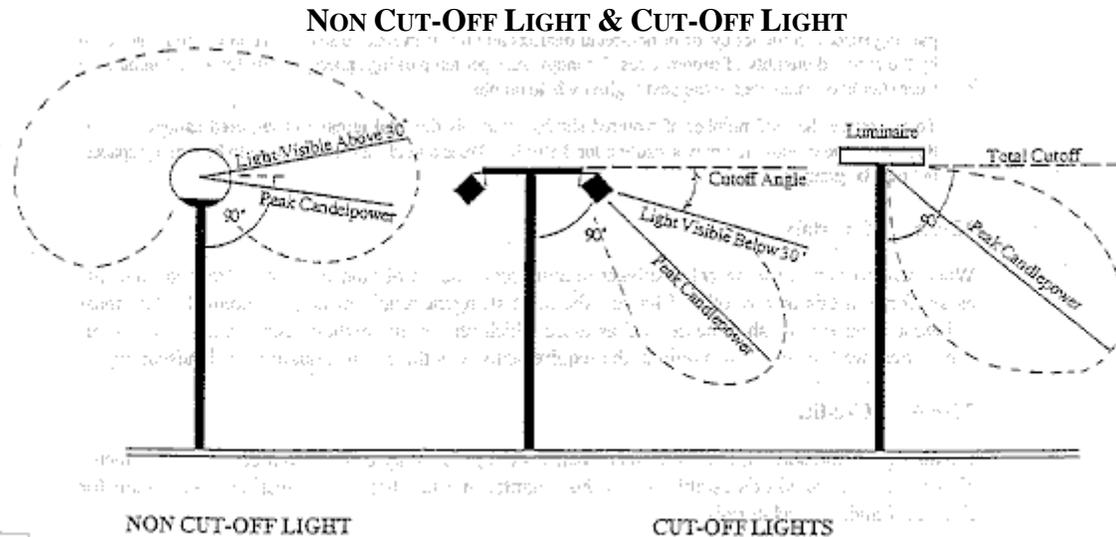
## 12-6.8 Modifications

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 (per Section 12-6.9) 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 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 feet (16') above grade for non-cutoff lights and thirty-two feet (32') above grade for cutoff lights. A greater height may be authorized in any district by a Variance approved pursuant to, Chapter 21.

### 12-7.2 Illumination

All outdoor lighting shall be designed and located with a maximum illumination of 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.

### 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 Sycamore Township Zoning Commission Development Plan Guideline 91-3, located in Appendix 3.

### 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.

## 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 and 12-2.2 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.

<b>SCHEDULE OF REQUIRED OFF-STREET LOADING SPACES</b>	
<b>Gross Floor Area of Structure (square feet)</b>	<b>Number of Required Loading Spaces</b>
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 feet (12') in width or thirty-five (35') feet in length or have a vertical clearance of less than fourteen feet (14').
- (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 12-4.5.
- (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 feet (6') in height, 100 percent opaque, and shall meet the requirements for screening as set forth in Chapter 15, Section 15-4.

## **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.

### **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 feet (6') in height, and shall meet the requirements for screening as set forth in Chapter 15, Section 15-4.

**TABLE 12-9  
SCHEDULE OF OFF-STREET PARKING REQUIREMENTS**

<b>RESIDENTIAL USES</b>	<b>FORMULA</b>
<b>Accessory Apartment</b>	One space for apartment + two for single-family house
<b>Apartments/Attached condominium units</b>	One and one-half spaces for each efficiency or one-bedroom unit; two spaces for each unit with two or more bedrooms
<b>Bed and Breakfast</b>	Two spaces for owner + one space for each guest room.
<b>Boarding House</b>	One space per bedroom + one space per employee
<b>Day Care, Child, Type A and Type B</b>	One space per four children of licensed capacity + one space per employee in addition to the required spaces for the dwelling
<b>Dormitory, Fraternity, Sorority</b>	One space for each three beds + one space per employee
<b>Granny Cottage</b>	One space per bedroom
<b>Group Home</b>	One space per employee on shift of max. employment + two visitors spaces or one space per employee plus one space per two residents where residents can own vehicles
<b>Single-Family, Two-Family, Townhouse, Manufactured/Mobile Home</b>	One and one-half spaces for each efficiency or one-bedroom unit; two spaces for each unit with two or more bedrooms
<b>Three-Family</b>	One and one-half spaces for each efficiency or one-bedroom unit; two spaces for each unit with two or more bedrooms
<b>COMMERCIAL USES</b>	<b>FORMULA</b>
<b>Amphitheater, Arena, Auditorium, Banquet, Exhibition or Meeting Halls, Stadium</b>	One space for each three seats or one space per 50 sq. ft. of net floor area where fixed seating is not available
<b>Amusement Park</b>	One space for each three persons at capacity
<b>Art Gallery, Antique Store, Interior Decorator Service</b>	One space per 300 sq. ft. of net floor area
<b>Automobile and Truck Rental</b>	One space per 400 sq. ft. of net floor area
<b>Automobile Sales (Accessory Service)</b>	One space per 400 sq. ft. of net floor area of sales, shop or garage + one space per employee
<b>Automobile Service</b>	Two spaces per service bay (excluding the bay)+ one space per employee and one space per vehicle used in operation of the service
<b>Banking / Financial Institution (Drive-in Service Window - Sec. 10-9)</b>	One space per 400 sq. ft. of net floor area + stacking space for drive-in service lane (Sec 10-9)
<b>Batting Cage</b>	One space per cage + one space per employee
<b>Barber Shops &amp; Beauty Salon</b>	One space per 100 square feet of net floor area
<b>Billiard Parlor or Pool Room</b>	One space per 100 square feet of net floor area
<b>Bowling Alley</b>	Six spaces per lane
<b>Building Materials, Sales and Distribution</b>	One space per 400 sq. ft. of net floor area
<b>Car Wash, Automated</b>	Five stacking spaces for each automated car wash lane.
<b>Car Wash, Self Service</b>	Four stacking spaces for each stall + two drying spaces for each stall
<b>Convenience Store (with gas pumps)</b>	One space per 200 sq. ft. of net floor area + one space per pump + one space per employee
<b>Delicatessens, Bakery Goods, Meat, Fruit &amp; Vegetable Markets</b>	One space per 150 sq. ft. of net floor area.
<b>Drive-In or Drive-Through Facility</b>	Five stacking spaces per lane + one space per employee if entirely drive-through
<b>Durable Goods, Carpet, Furniture and Appliances, Sales &amp; Rental</b>	One space per 400 sq. ft. of net floor area
<b>Funeral Home or Mortuary</b>	One space per 75 sq. ft. of parlor or chapel space or one per five seats, whichever is greater, but not less than 20 spaces
<b>Health &amp; Fitness Facility</b>	One space per 200 sq. ft. net floor area

**TABLE 12-9  
SCHEDULE OF OFF-STREET PARKING REQUIREMENTS**

<b>Gasoline Service Station (with repair)</b>	One space per pump + one space per employee + two spaces per service bay (excluding the bay space) and one space per vehicle used in operation of the service
<b>Golf Driving Range</b>	One space for each driving tee + one per employee
<b>Grocery Store</b>	One space per 167 sq. ft. of net floor area
<b>Gun Firing Range</b>	One space for each station + one per employee
<b>Heliport</b>	One space for each four seats in waiting area + one space for each two employees on maximum shift
<b>Machinery, Boat, Truck, Farm &amp; Construction Equipment Sales, Rental &amp; Service</b>	One space per 1000 sq. ft of net floor area + one space per 2,500 sq. ft. of outdoor display area + one space per employee.
<b>Miniature Golf Course</b>	Two spaces per hole + one space for each 100 sq. ft. of net floor area for other indoor game activities
<b>Motorcycle, Sales &amp; Service</b>	One space per 400 sq. ft. of net floor area
<b>Motel/Hotel</b>	One space per lodging unit, meeting rooms and restaurants calculated separately
<b>Office (Excluding Medical)</b>	Office Buildings 0-20,000 sq ft: Four spaces for the first 1,000 sq ft plus 1 space for every 400 sq ft net area over 1,000 sq ft (Ratio 2.5/1000sq ft) Office Buildings 20,001 sq and up: Four spaces for the first 1,000 sq ft plus 1 space for every 250 sq ft net area over 1,000 sq ft (Ratio 4/1000sq ft)
<b>Office, Medical / Clinic</b>	Six spaces +One space per 200 sq. ft. of net floor space in excess of 1000 sq. ft.
<b>Photo Lab, Picture, TV or Sound Studio</b>	One space per one and one-half employees + one space per facility vehicle
<b>Recycling Drop-off Facility</b>	One space per drop-off and five stacking spaces per lane + one space per employee
<b>Restaurant / Bar</b>	One space per 100 sq. ft. of net floor area
<b>Restaurant Drive-In</b>	Five stacking spaces per lane
<b>Retail, Sales and Service</b>	One space per 200 sq. ft. of net floor area
<b>Service Establishments: Dry Cleaning or Laundry Pick-Up Stations, Print Shops, Tailoring, Shoe or Hat Repair</b>	One space per 300 sq. ft. of net floor area
<b>Shopping Center</b>	One space per 222 sq. ft of net floor area of general retail space + additional spaces, as required herein, for associated offices, theaters, and restaurants
<b>Skating Facility</b>	One space per 250 square feet of net floor area
<b>Studio: Art, Dance, Gymnastics, Music</b>	Five spaces, plus one space for each 150 sq. ft. of net floor area in excess of 500 sq. ft.
<b>Swimming Pools, Tennis or Racquet Clubs, and Similar Recreation Facilities Open To The Public For A Fee</b>	One parking space for each 50 square feet of pool area; eight spaces for each indoor tennis court; five spaces for each outdoor tennis court; five spaces for each racquet ball and/or handball court
<b>Theater, Motion Picture or Live Performance</b>	One space per four seats
<b>INDUSTRIAL USES</b>	<b>FORMULA</b>
<b>Automobile Body Shop</b>	Two spaces per service bay (excluding the bay)+ one space per employee and one space per vehicle used in operation of the service
<b>Flammable Liquids/Gases, Heating Fuel Distribution and Storage</b>	One space per employee on maximum work shift + one space per facility vehicle used in operation of the service
<b>Laundry, Dry Cleaning, Linen, Diaper Service (plant on premises)</b>	One space per two employees + one space per facility vehicle

**TABLE 12-9  
SCHEDULE OF OFF-STREET PARKING REQUIREMENTS**

<b>Manufacturing, Transfer Station, Research Lab</b>	One space per one and one-half employees on maximum work shift + one space per facility vehicle
<b>Mini-Storage Facility</b>	Three spaces + one space per 100 individual storage units
<b>Outside Storage</b>	Two spaces for the first 2,000 sq. ft. + one space for each additional 2,000 sq. ft.
<b>Package Delivery Service, Truck Terminal, Taxicab Barn</b>	One space per one and one-half employees + one space per facility vehicle
<b>Recycling Facility</b>	One space per employee or volunteer on largest work shift + one space per collection vehicle + two drop-off spaces for each bay and/or collection vehicle and container
<b>Telecommunication Towers</b>	One space
<b>Vehicle Storage Yard</b>	One space per employee on maximum shift + one space per facility vehicle + one space per 250 sq. ft. net floor area
<b>Warehouse, Display Room for Wholesale Activities</b>	One space per two employees on maximum work shift or for 2,000 square feet of warehouse floor area + additional space for office area as per general office requirements, whichever is greater.
<b>INSTITUTIONAL USES</b>	<b>FORMULA</b>
<b>Cemetery</b>	One space per employee
<b>Church or Temples</b>	One space per four seats or bench seating in the main assembly room.
<b>Correctional Facility</b>	One space per employee + one space per 25 inmates
<b>Day Care Center, Child, Pre-School</b>	One space per employee + one space for each facility vehicle stored on the lot + one parking space for each six children
<b>Halfway House</b>	One space per bed + one per employee
<b>Hospital</b>	One parking space per bed
<b>Nursing, Convalescent Home, &amp; Continuing Care Facility</b>	One space per six residents + one space per employee
<b>School, Elementary (K-6)</b>	One space for each three seats in any auditorium, or one space for each classroom, whichever is greater
<b>School, Junior High/Middle School</b>	One space for each three seats in any auditorium, or one space for each classroom, whichever is greater
<b>School, Senior High</b>	One space per employee + twelve visitor spaces, plus one space per six students
<b>School, Vocational / Professional</b>	One space per employee + one space per two registered student capacity
<b>University or College</b>	One space per two employees + one space per four students
<b>PUBLIC SERVICE USES</b>	<b>FORMULA</b>
<b>Government Buildings</b>	One space per 250 sq. ft. of net floor area or one space per four patrons, whichever is greater
<b>Government Storage Yard</b>	One space per employee on maximum shift + one space per facility vehicle + one space per 250 sq. ft. net floor area
<b>Library</b>	One space per 400 sq. ft. of net floor area
<b>Police &amp; Fire Stations</b>	One space per employee on maximum shift + one space per facility vehicle + one space per 250 sq. ft. net floor area
<b>RECREATIONAL, CULTURAL &amp; ENTERTAINMENT USES</b>	<b>FORMULA</b>
<b>Athletic/Play Field</b>	Ten spaces per acre
<b>Botanical Garden</b>	Four spaces per acre of grounds
<b>Campground</b>	One space per campsite + one space per employee
<b>Club, Private</b>	One space for each 50 square feet of net floor area used for assembly, game room, dancing or dining, plus one for each sleeping room
<b>Community (recreation) Center</b>	One space per 200 sq. ft. of net floor area

**TABLE 12-9  
SCHEDULE OF OFF-STREET PARKING REQUIREMENTS**

<b>Golf Course</b>	Four spaces for each hole + one space for 100 sq. ft. of net floor area in any cocktail lounge, bar, or similar facility.
<b>Museum</b>	One space per 400 sq. ft. of net floor area
<b>Outdoor drama theater (not drive-in)</b>	One space for each three seats
<b>Parks, Playgrounds</b>	Four spaces per acre
<b>Tennis or Racquet Clubs, and Similar Recreation Facilities</b>	Eight spaces for each indoor tennis court; five spaces for each outdoor tennis court; five spaces for each racquet ball and/or handball court
<b>Recreation center, Internal</b>	One space per 250 sq. ft. of net floor area
<b>Summer Camp</b>	One space per employee + one space per each camp vehicle + one space per five users at maximum capacity
<b>Swim Facility</b>	One parking space for each 50 square feet of pool area + one per employee
<b>Zoo</b>	One space per 2000 sq. ft. of land area
<b>AGRICULTURAL USES</b>	<b>FORMULA</b>
<b>Farm Market</b>	One space per 150 sq. ft. of net floor area
<b>Fishing Lake</b>	One space per 150 sq. ft. of net floor area + five spaces per acre of lake
<b>Kennel, Commercial</b>	One space per 1000 sq. ft. of net floor area + one space per employee + one drop-off space per twenty kennel spaces.
<b>Nursery, Greenhouse</b>	One space per 250 sq. ft. of indoor net floor area + one space per 1000 sq. ft. of net outdoor sales / display areas + one space for each 1.5 employees
<b>Stable</b>	One space per 4 stalls + one space per employee
<b>Veterinarian Facility</b>	Three parking spaces for the first 750 sq. feet or fraction thereof, plus one space for each 300 square feet of net floor area in excess of 750 square feet

# CHAPTER 13

## SIGNS

### 13-1 PURPOSE

The purpose of this Chapter is to regulate and encourage the orderly development of signs so as to protect the public health, safety, welfare, and morals of the Township while recognizing the need for adequate business identification, informational and advertising communication and the value of visual attractiveness.

### 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 Basic Building Code (OBBC) 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 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:

<b>A. FREESTANDING SIGNS</b>	
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.
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.
<b>B. BUILDING SIGNS</b>	
Awning sign	A building sign that is mounted or painted on or attached to an awning and does not project vertically above or horizontally beyond the physical dimensions of such awning.
Marquee Sign	A building sign attached to a marquee, canopy or awning projecting from or supported by the building at main entrances.
Projecting Sign	A building sign which projects more than 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 8.5 feet at its lowest point, above sidewalk or ground level.
Wall Sign (Facia Sign)	A building sign which 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.
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.

<b>C. TEMPORARY SIGNS</b>	
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.
Balloon Sign	A temporary sign on an inflated nonporous object filled with air or other gas.
Banner Sign	A temporary sign in the nature of a flag, pennant, streamer or ribbon
Construction Sign	A temporary sign located on premises, which provides information pertaining to the builder, owner, project, or the contractor constructing the development.
Festival Banner Sign	A temporary sign on a banner related to public festivals installed on public property or in the public right-of-way.
Festival Device Signs	A temporary sign on balloons, umbrellas and similar devices.
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.
Political Campaign Sign	A temporary sign advertising candidates or soliciting votes in support of or against any proposition or issue at any general, primary, special, school or any other election.
Public Event Banner Sign	A temporary sign on a banner, which provides information on current or upcoming public events, attached to a facility owned or controlled by the Township or any agency thereof and which is not be installed more than 2 weeks before the event.
Real Estate Sign	A temporary sign located on premises containing land or buildings for sale, rent or lease, or buildings under construction and intended for sale, rent or lease.
<b>D. MISCELLANEOUS SIGN TERMS</b>	
Address or Building Number Sign	A freestanding or wall sign which identifies the address of the property.
Billboard ( <i>Outdoor Advertising Sign</i> )	A type of off-premises sign, classified as a business use, generally but not limited to a rigidly assembled sign, display, or device, usually free standing, that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters. Such signs commonly referred to as “billboards” or “poster panels” are generally designed so that the copy or poster on the sign can be changed and the advertising space may be leased.
Billboard, Bulletin	A standardized off-site advertising sign with a face area not exceeding 672 sq. ft. (14 ft. x 48 ft.), excluding temporary embellishments, cut outs or extensions as herein defined.
Billboard, Junior Poster Panel	A standardized off-site advertising sign with a face area not exceeding 72 sq. ft. (6 ft. x 12 ft. ), excluding temporary embellishments, cut-outs, or extensions as herein defined. Also called a Eight-Sheet poster.
Billboard, Poster Panel	A standardized off-site advertising sign with a face area not exceeding 300 sq. ft. (12 ft. x 25 ft.), excluding temporary embellishments, cut-outs or extensions as herein defined. Also called a 30-sheet poster.
Billboard Cut-out	A treatment employed to enhance the quality of a sign by removal, deletion, or omission of any portion of the sign.
Billboard Embellishment	A temporary treatment employed to enhance the quality of a sign that reflects a community design theme, an historic period or artistic style.
Billboard Extension	A treatment employed to enhance the quality of a sign by addition of a sign face area or projection thereof.
Bulletin Board, Institutional	A sign located on the property owned or operated by a public, religious, institutional, school, library, community center or similar institution which is used to identify the name of the institution or organization and the announcement of its services or activities.
Canopy	A structure other than an awning made of cloth, metal or other material which 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 raise, nor is it capable of retraction.

<b>D. MISCELLANEOUS SIGN TERMS ,CONT.</b>	
Changeable Copy Sign	An 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.
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 20 feet from the intersecting lines. See Chapter 14, Section 14-9, Figure 14D.
Clearance ( <i>of a Sign</i> )	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")
Development or Business, New	A business or development that begins commercial activity at a new location or that changes it's name.
Directional or Informational Sign	An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar directional instruction, and which may include the identification of the building or use but does not include any advertising message.
Facade	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.
Face Change	The removal or replacement of an existing surface display panel where the remaining structural frame is not changed. The changing of the copy or poster on bulletin boards and billboards is not considered a face change.
Flashing Sign	A sign that uses an intermittent, moving or flashing light source to attract attention.
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.
Frontage, Street or Lot	Total lineal feet of right-of-way or easement of access along the front yard of a lot.
Frontage, Principle	The street which the developer selects to be the main entrance.
Frontage, Secondary	The street which the developer selects to be the secondary access to the development.
Gas Pump Signs	Informational matter appearing on gasoline pumps as purchased or installed.
Government Sign	Any temporary or permanent sign erected and maintained for any official governmental purpose.
Height ( <i>of a Sign</i> )	The vertical distance measured from the highest point of the sign, including decorative embellishments, to the average surface grade where the sign is attached. ( <i>Compare: "Clearance"</i> )
Historical Marker	A type of memorial sign limited in content to the identification of an historical building or structure or the site of an historical event.
Identification Sign	A sign giving the name, trademark of other readily recognized symbol or address, or any combination thereof, of a building, business, development or establishment on the premises where it is located.
Illuminated Sign	A sign either internally or externally illuminated.
Joint Identification Sign	A sign which serves as common or collective identification for a group of businesses operating on the same building lot. Such signs may name the businesses included but carry no other advertising.
Logo	A business trademark or symbol.
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.

<b>D. MISCELLANEOUS SIGN TERMS ,CONT.</b>	
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.
Memorial Plaque	A plaque designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface.
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.
Off-Premises Directional Sign	A sign designed to guide vehicular and/or pedestrian traffic to places of worship, to businesses, to places that provide commodities, services, entertainment or attractions at a location other than the premises on which the sign is erected.
Off-Premises (Off-Site) Advertising Sign	An advertising sign, whose message relates to a business, service, commodity, or profession being conducted, sold or offered at a location other than the premises on which the sign is erected.
Official Flag or Emblem	A flag or emblem of a government or of a membership organization.
On-Premises (On-Site) Sign	A sign which directs attention to a business, commodity, service, entertainment or attraction sold or offered on the premises on which the sign is erected.
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.
Premises	Any tract or tracts of land which comprise a single, integrated development or use of such land. For the purpose of this Chapter 13, 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.
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 projects 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.
Public Service Sign or Device	A sign or device displaying only the time, temperature, stock market quotations or civic messages by means of a lamp bank.
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.
Sign Graphics	Any lettering, numerals, figures, designs, symbols or other drawing or images used to create a sign.
Sign Structure or Support	Any structure that supports or is capable of supporting a sign, including decorative cover.
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.
Surface Display Area	All solid surface areas of a sign, excluding air space. Structural members bearing no sign copy shall not be included

<b>D. MISCELLANEOUS SIGN TERMS ,CONT.</b>	
T-Frame Sign	A sign whose structure or frame is in the form of a “T” upon which one or more sign faces may be hung or otherwise attached.
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.
Vending Machine Sign	Any sign fastened to or painted on a vending machine which directly relates to the product contained in the machine.
Vehicular 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 ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.
Visible	Capable of being seen, whether or not legible, without visual aid by a person of normal acuity.
Warning Sign	A sign limited in content to messages conveying warning, caution or danger.

## **13-4 ZONING CERTIFICATE AND PERMITS**

### **13-4.1 Zoning Certificate Required**

Unless expressly exempted in Section 13-4.2, 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 13 shall have first been issued by the Zoning Administrator.

### **13-4.2 Exemptions**

The following signs and sign-related activities shall be exempt from the provisions of this Chapter 13 and shall not require a zoning certificate:

- (a) 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.
- (b) Signs Permitted in all Districts. Signs permitted in all districts as listed in Section 13-9.
- (c) Poster Changes. Off-site advertising signs shall be allowed changes in the poster advertisement or reader board. Further modifications may be subject to the provisions of Sec. 13-4.3.
- (d) Copy Changes. The change of a message relating to on site or off site changeable copy signs such as those displaying gasoline prices, sale items, special events or lottery information.

### **13-4.3 Nonconforming or Noncomplying Signs**

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 following provisions. If the size of an existing sign face or the size of the overall structure is increased; the structure is relocated; the structure is replaced; the structure is abandoned, does not advertise an occupied building, or the structure is damaged requiring replacement of any part of the structure or attached cabinet then said sign shall be ordered removed or brought into full compliance with this Chapter by the Zoning Administrator.

## 13-5 GENERAL STANDARDS

Unless expressly exempted by Section 13-4.2 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 as defined by Section 13-3 and as further regulated in Section 13.

#### 13-5.1.1 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-site advertising sign exceed 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 electronic message signs unless they negatively affect traffic safety.

### 13-5.2 Height

#### (a) Height of Building Signs.

- (1) Building Signs shall be located within the limits of the outside wall of the building.
- (2) Marquee, canopy or projecting signs shall be located at a minimum height of 8.5 feet above grade.

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 district are permitted at a maximum height of 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 15 feet, or as further regulated in Section 13-12.3.
- (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 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 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 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.
- (7) Directional signs are permitted in all districts to a maximum height of five (5) feet and a maximum area of six (6) square feet

### **13-5.3 Minimum Setback**

All signs shall be setback a minimum of 10 feet (5 feet for directional signs) from the right-of-way, easement of access, or edge of pavement, whichever is the greater setback, and 5 feet from all other property lines. A side lot setback adjoining a residential district shall be setback a minimum of 50 feet from the adjoining residential district. With the exception of directional signs, all signs must be located outside of any clear site triangle as described in Section 13-3.

### **13-5.4 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.

### **13-5.5 Traffic Safety**

- (a) Confusion with Traffic Signals. 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.

### **13-5.6 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.

### **13-5.7 Sign Identification**

All signs shall be plainly marked with the name of the person, firm or corporation hanging or erecting the sign.

### **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 Sign Allotment, Maximum Size and Location**

Freestanding signs shall be located within 30 feet of the street frontage from which the allotment is computed.

Building signs shall be located within the area which the allotment is computed.

### **13-5.10 Architectural Features**

Sign architectural or design features which are integrated into the sign structure may not exceed 50 percent of the sign surface area.

### **13-5.11 Sign Base**

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 that is compatible with the principal structure on the lot which the sign is located.

## 13-6 SIGN MEASUREMENT

(See diagrams in Figure 13-6A)

### 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 and architectural and design features. If the angle separating two faces of a V-shaped sign is more than 45 degrees or 10 feet, the sign faces visible from one point are added cumulatively as one sign face.

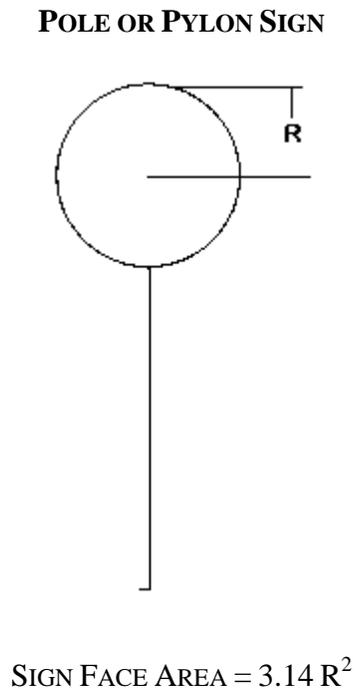
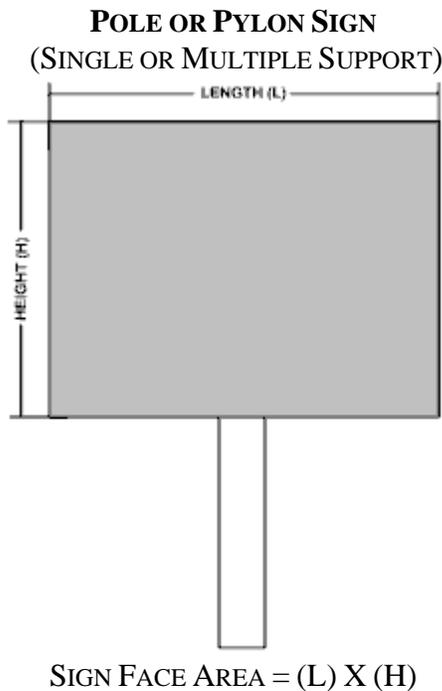
### 13-6.2 Area of Building Signs

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. 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.

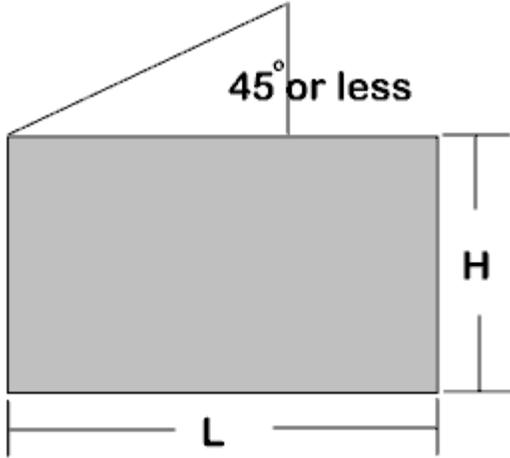
### 13-6.3 Exceptions

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.

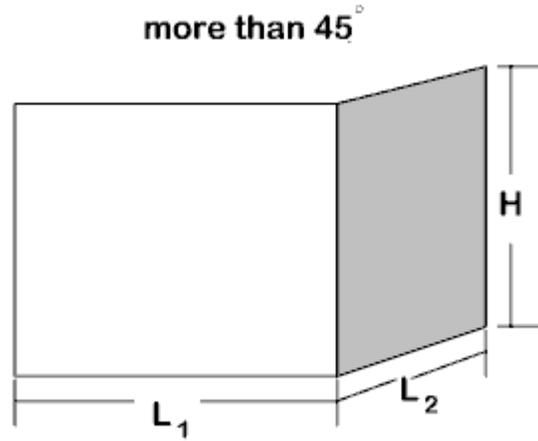
**FIGURE 13-6A: SIGN FACE AREA MEASUREMENT  
(VISIBLE SURFACE DISPLAY AREA)**



**V-SHAPED SIGN**



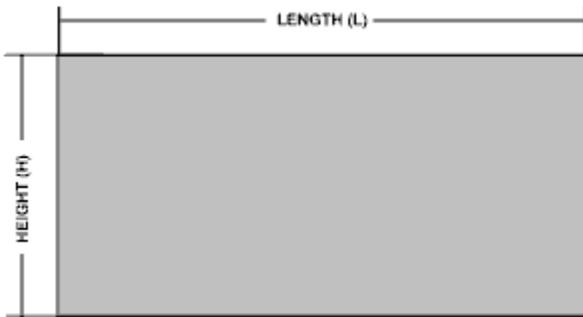
SIGN FACE AREA = (L) X (H)



SIGN FACE AREA = (L<sub>1</sub> + L<sub>2</sub>) X H  
(considered as one face)

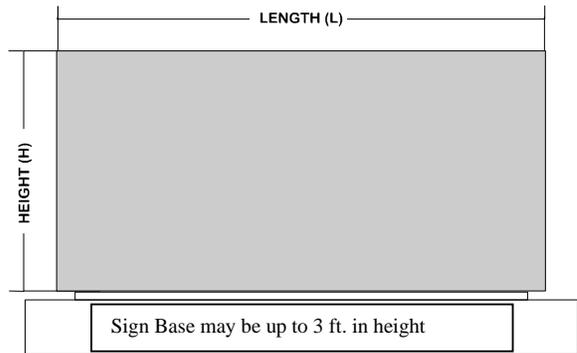
**FIGURE 13-6A (CONTINUED):  
SIGN FACE AREA MEASUREMENT**

**GROUND SIGN**



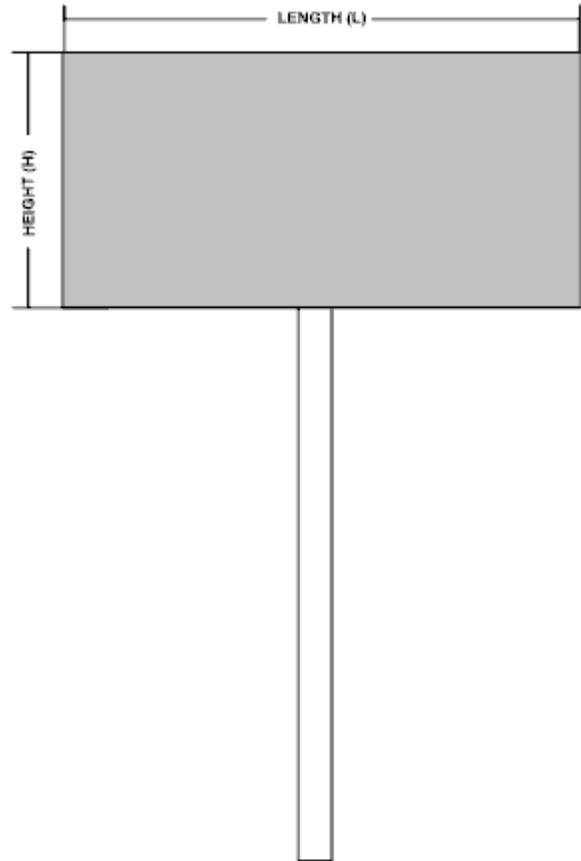
SIGN FACE AREA = (L) X (H)

**GROUND MONUMENT SIGN**



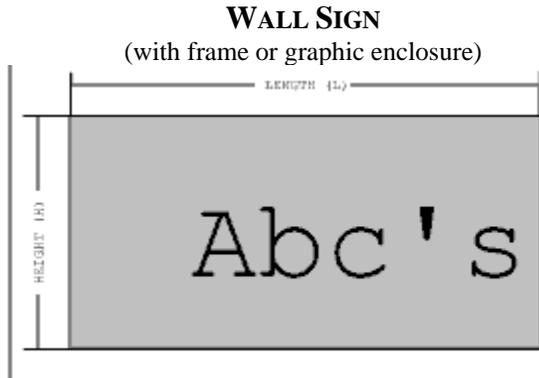
SIGN FACE AREA = (L) X (H)

**OUTDOOR ADVERTISING SIGN  
(BILLBOARD)**

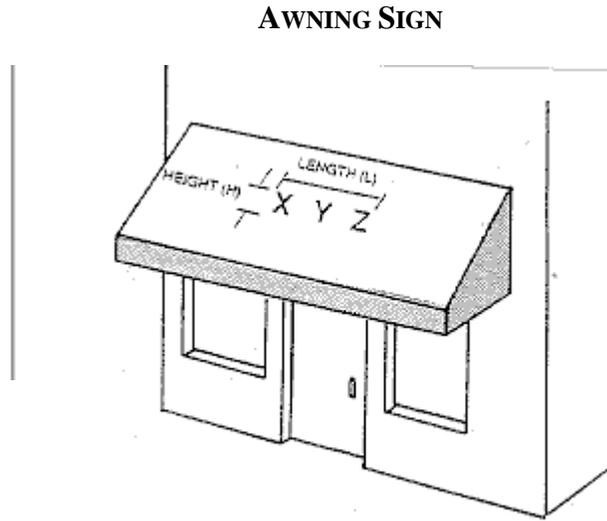


**SIGN FACE AREA = (L) X (H)**

**FIGURE 13-6A (CONTINUED)  
SIGN FACE AREA MEASUREMENT**



SIGN FACE AREA = (L) X (H)



SIGN FACE AREA = (L) X (H)

**WALL SIGNS  
(LETTERS MOUNTED INDIVIDUALLY WITHOUT ANY FRAME OR GRAPHIC ENCLOSURE)**

**McABC's**

**ABC DEF**

**Mc abc's**

**A<sub>BC</sub> D<sub>EFG</sub>**

**Abc Defg**

**A<sub>bc</sub> D<sub>efg</sub>**

SIGN FACE AREA = (L) X (H)

### **13-7 SIGNS SPECIFICALLY PROHIBITED IN ALL ZONING DISTRICTS**

The following signs, in addition to all other signs not expressly permitted by this Chapter 13, are prohibited in all zoning districts and shall not be erected, or maintained:

- (a) Roof Signs.
- (b) Signs that move or give the appearance of moving, including pennants, streamers, flags in excess of sixty (60) square feet, other than government flags and other signs, unless otherwise approved as part of Localized Alternative Sign Regulations pursuant to Section 13-15. (This section does not prohibit variable message signs or signs designed with periodic rotation).
- (c) Flashing Signs. Signs containing any flashing or running lights or lights creating an illusion of movement, excluding holiday decorations and time and temperature devices which display time and temperature messages only.
- (d) Signs which imitate or are easily confused with official traffic signs and use words such as "stop", "look", "danger", "go slow", "caution", or "warning," except where such words are part of the name of a business or are accessory to parking lots.
- (e) Signs which are structurally unsafe or hazardous.
- (f) Portable signs, except as permitted temporarily in Section 13-12.2.
- (g) Snipe signs.
- (h) 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, the standards for off-site advertising signs set forth in Section 13-16 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 10 feet from the right-of-way, easement of access, or edge of pavement, whichever is the greater setback, and 5 feet from all other property lines.

- (a) Identification signs, including house numbers legible from the street, and nameplates (fraternal, social, apartment and professional) identifying the occupant or address of a parcel of land, and not exceeding two (2) square feet in display surface area.
- (b) Memorial plaques and historic markers, including those containing the names of buildings and dates of construction and not exceeding three (3) square feet in display surface area.
- (c) For sale signs attached to vehicles.
- (d) Flags bearing the official design of a nation, state, township, municipality, institution or organization and not exceeding 60 square feet.
- (e) Traffic, or other government signs, also private traffic control signs which conform to the requirements of the Ohio Manual of Uniform Traffic Control Devices.
- (f) Institutional bulletin boards located on the premises of the institution to which the sign pertains and not exceeding 20 square feet in surface display area per side, maximum of 2 sides with a maximum height of 6 feet.
- (g) Public Park signs.
- (h) Non-illuminated signs proclaiming religious or other noncommercial messages not exceeding twelve (12) square feet in surface display area and 5 (five) feet in height in any residential district nor thirty-two (32) square feet in any other zoning district.
- (i) One temporary construction sign per public street frontage subject to the following:

- (1) Total surface display area shall not exceed twelve (12) square feet in area and 6 (six) feet in height in a Residential District and thirty-two (32) square feet in area and 8 (eight) feet in height in all other Districts.
  - (2) Placement shall be wholly within the property boundaries to which the sign pertains and must be setback at least 10 feet from the right of way.
  - (3) The sign shall not be erected prior to issuance of a zoning certificate for the proposed construction, and shall be removed upon any final inspection from Sycamore Township.
- (j) Trespassing, safety or caution signs, not exceeding two (2) square feet in area.
  - (k) On-Premises directional and informational signs not exceeding six (6) square feet and four feet in height for pedestrians and vehicles using such words as "Entrance," "Exit," "Parking," "One-Way" but not including any advertising message (Such signs shall be setback a minimum of five (5) feet from the right-of-way, easement of access, or edge of pavement, whichever is the greater setback).
  - (l) Gasoline pump signs appearing on legally installed pumps as purchased.
  - (m) On-premises yard sale or garage sale signs not exceeding six (6) square feet provided they are erected no more than seven (7) days prior to the sale nor displayed for more than seven (7) consecutive days.
  - (n) Political campaign signs shall be exempt from the provisions of the Sycamore Township Zoning Resolution.
  - (o) Church / School Festival signs shall not to exceed 32 square feet in area and 6 (six) feet in height. Such signs are to be removed within 1 week of the completion of the event.

### **13-9.1 Real Estate Signs**

Non-illuminated real estate signs advertising the sale or lease of a property or building where the sign is located, not exceeding one per street frontage and twelve (12) square feet of surface display area in any residential district nor thirty-two (32) square feet in any other zoning district. One Freestanding sign and one building sign are permitted per property.

- (a) For Sale Signs in the Office, Retail, and or Industrial Districts. Signs advertising the sale of a property or building where the sign is located must be removed within 21 days of the property closing.
- (b) For Lease Signs in Office, Retail, and or Industrial Districts. Signs advertising the lease of a property or building where the sign is located must be removed when the occupancy of the building reaches 95%. Rent rolls or other real estate documents are to be presented to the Township Zoning Inspector to verify occupancy percentage.

### **13-9.2 Commercial Vehicle Signage**

Commercial vehicles which advertise business located on or off the premises must be parked behind the principal building if the square footage of the sign exceeds 15 square feet

## **13-10 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS**

The following regulations apply to those properties located in the A-A, A, A-2, A35, B, B-2, C, and D Residential Districts. Any sign not expressly permitted by Section 13-9 or by these district regulations is prohibited.

### **13-10.1 Temporary Signs**

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

### **13-10.2 Permanent Signs**

- (a) Home Occupation. 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.

(b) Multi-Family Residential Uses

- (1) Building Signs. One wall sign not exceeding 8 square feet of surface area for each 50 feet of building frontage shall be permitted provided that no such use may have permanent signs with total surface area exceeding 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 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

(1) Freestanding Signs

One (1) entry wall / sign is permitted at a community entrance and may not exceed 56 square feet in area and six (6) feet in height. Any entry sign must be setback at least 10 feet of any public right of way or access road.

(d) Other Permissible Uses

Freestanding Signs

- (1) Lots having at least 100 feet of frontage may have one freestanding sign not to exceed 32 square feet of sign surface area and 6 feet in height.
- (2) Building Signs. One building sign not exceeding 32 square feet of sign surface area.

### **13-10.3 Outdoor Advertising Signs**

Outdoor Advertising Signs or 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 or by these district regulations is prohibited.

### **13-11.1 Temporary Signs**

One (1) temporary sign may be permitted on each lot when approved by the Township. Such signs may have a maximum total sign surface area of 32 sq ft. The sign may be displayed for up to 60 calendar days per year. If the temporary sign is removed for more than 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) An office use with at least 50 feet of road frontage shall be permitted one (1) freestanding sign not to exceed 24 sq ft.
- b) Office uses with at least 100 feet of road frontage shall be permitted one (1) freestanding sign not to exceed 64 sq ft of sign surface area.
- c) Office uses located on corner lots may have a second freestanding sign at a second point of ingress / egress not to exceed 24 sq ft in sign surface area.
- d) An office park containing three (3) or more buildings shall be permitted one joint identification sign for each principal entrance on a public street, not exceeding 2 faces, neither of which may exceed 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 f total sign surface area.

### **13-11.4 Outdoor Advertising Signs**

Outdoor advertising signs or Billboards are permitted in the O Office District subject to the provisions in Section 13-16.

### **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 or by these district regulations is prohibited.

#### **13-12.1 Temporary Signs**

One (1) temporary sign may be permitted on each lot when approved by the Township. Such signs may have a total maximum sign surface area of 50 sq ft. The sign may be displayed for up to 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.

#### **13-12.2 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 for grand openings, advertising charitable or community-related events and the like. 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) All illuminated portable signs shall comply with the requirements of Section 13-5.1 and the National Electric Code.
- (c) No portable sign shall be located closer than one-half the setback distance from the building setback, to the street right-of-way line.
- (d) No portable sign shall exceed 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 50 feet of lot frontage shall not have a freestanding sign.
- (b) Businesses having street frontage of more than 50 feet shall be permitted one (1) freestanding sign not to exceed 64 sq ft of sign surface area.
- (c) Businesses and Shopping Centers having more than 50 feet of frontage and over 80,000 sq ft (gross) building area are permitted up to 100 sq ft of sign surface area at a maximum height of 20 feet. Businesses and shopping centers (over 80,000 gross square feet) with 2 (two) points of ingress and egress on to a public road with 100 feet or more of secondary road frontage shall be permitted a second freestanding sign, not to exceed 64 sq ft in area and 8 feet in height.
- (d) Shopping Centers with 5 or more stores and a gross area of 22,000 square feet or less shall be permitted one freestanding sign not to exceed 80 square feet in area and 15 feet in height.
- (e) Shopping Centers with 5 or more stores and a gross area between 22,001 square feet and 79,999 square feet shall be permitted one freestanding sign not to exceed 15 feet in height and 90 sq ft in area.
- (e) 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 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 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 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 100 square feet for any sign.

### **13-12.5 Outdoor Advertising Signs**

Outdoor advertising signs or Billboards are permitted in the E Retail District subject to the provisions of Section 13-16.

## **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 permitted by Section 13-9 or by these district regulations is prohibited.

### **13-13.1 Temporary Signs**

One (1) temporary sign may be permitted on each lot when approved by the Township. Such signs may have a total maximum sign surface area of 50 sq ft. The sign may be displayed for up to 60 calendar days per year. If the temporary sign is removed for more than 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 50 feet of street frontage may not have a freestanding sign.
- (b) Industries having street frontage of more than 50 feet shall be permitted one (1) freestanding sign not to exceed 64 sq ft of sign surface area.
- (c) Industries having more than 50 feet of frontage and over 80,000 sq ft (gross) building area are permitted up to 100 sq ft of sign surface area at a maximum height of 20 feet.

### **13-13.3 Building Signs**

- (a) Any property or business shall be permitted one (1) square foot of building sign surface area for each 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 100 sq ft for all building signs.

### **13-13.4 Outdoor Advertising Signs**

Outdoor Advertising signs or Billboards are permitted in the F Light Industrial District pursuant to the provisions of Section 13-16.

## **13-15 LOCALIZED ALTERNATIVE SIGN REGULATIONS**

### **13-15.1 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, if approved as a PUD-1 pursuant to the provisions of Chapter 18. If, and to the extent that localized alternative sign regulations are approved as a PUD-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.

### **13-15.2 Conditions for Approval**

No localized alternative sign regulations shall be approved as a PUD-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.

### **13-15.3 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, shall recommend to the Sycamore Township Zoning Commission approval, approval with modifications, or disapproval of such regulations.

### **13-15.4 Private Signage Agreements**

Nothing in this Chapter 13 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.

### **13-15.5 Changes to Approved Localized Alternative Sign Regulations**

Alternative localized sign regulations which have been approved as a PUD-1 pursuant to Chapter 18 may be amended or varied only pursuant to the procedures and standards in Chapter 18 for the original approval.

## **13-16 BILLBOARDS (OUTDOOR ADVERTISING SIGNS)**

### **13-16.1 Zoning Certificate Required**

Unless expressly exempted, no off-site advertising 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.

### **13-16.2 Exemptions**

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

- (a) Nonconforming. Off-site advertising signs existing on or before the effective date of this Resolution shall be allowed changes in the poster advertisement or reader boards. Further modifications may be subject to the provisions of Sec. 13-4.3.
- (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.

### **13-16.3 State Permit**

In addition to the 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 for outdoor advertising signs located within 660 feet of streets that are part of the interstate or primary highway systems pursuant to Chapter 5516 of the Ohio Revised Code.

### **13-16.4 Standards for Billboards**

- (a) Temporary Enlargements. The use of cut-outs, extensions and embellishments is expressly prohibited.
- (b) Location. No off-site advertising sign 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 150 square feet;
  - (3) with a face area exceeding 14 feet in height x 48 feet in length (672 square feet), excluding temporary cut-outs, extensions, and embellishments permitted as set forth herein;
  - (4) within 100 feet of the right-of-way line of any street or highway;

- (5) as a ground sign more than 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 center line 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.

### **13-16.5 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 off-site advertising sign and measured along the edge of pavement of all intersecting thoroughfares.

- (a) Expressways and Freeways. No off-site advertising sign shall be constructed within 2,600 feet of any other off-site advertising 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 off-site advertising sign shall be constructed within 2,600 feet of any other off-site advertising sign located on either side of the highway (Major Arterials designated on the Thoroughfare Plan of Hamilton County) and facing the same traffic flow, provided however that Bulletin spacing shall be not less than 2,600 feet from Bulletin Billboard sign to Bulletin Billboard sign located on either side of the highway and facing the same traffic flow.
- (c) Minor Arterial Roadways and Collector Streets. Poster signs and Junior Panels shall be spaced not less than 2,600 feet from another off-site advertising sign located on either side of the highway (Minor Arterials and Collectors designated on the Thoroughfare Plan of Hamilton County) and facing the same traffic flow.

### **13-16.6 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 off-site advertising sign and measured along the edge of pavement of all intersecting thoroughfares.

- (a) Distance from Residences. No off-site advertising sign 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 off-site advertising sign 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 off-site advertising sign 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.
- (d) Location of Advertising for Tobacco and Alcohol Products. No off-site advertising sign advertising any tobacco product or alcoholic beverage, whether constructed prior to or since the adoption of this Resolution, shall be located within 1,500 feet in any direction of any school, hospital, retirement home, cemetery, religious institution or park.

## **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 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 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 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 shall be charged for Zoning Certificates issued pursuant to Section 13-4 following the location, construction, re-construction, enlargement, structural alteration or changing the sign without obtaining a zoning certificate.

## **CHAPTER 13**

### **BUFFER YARDS AND RESOURCE PROTECTION**

#### **14-1 PURPOSE**

The purpose of this Chapter is to require buffering between noncompatible 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 14A shall be developed, or redeveloped, unless a buffer yard, if required as indicated in Table 14B, 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**

A streetscape buffer is located in a linear area adjacent to the front property line extending from side lot-line to side lot-line. 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.

#### **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) 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 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 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. 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 feet (10') 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, 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 percent (50%) of the minimum required buffer width, then a solid fence or wall meeting the standards of Chapter 15, Section 15-2, shall be located at the side of the buffer facing the proposed development.

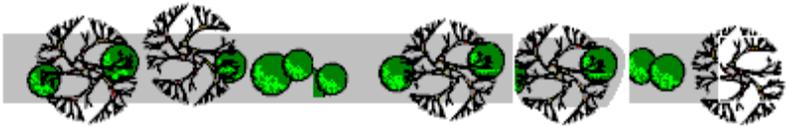
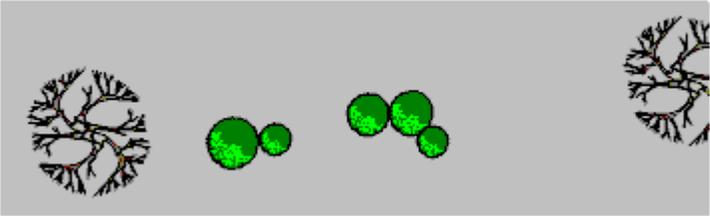
## 14-7 BOUNDARY BUFFER

To determine the type of boundary buffer required between two 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 14A 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 14A 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 14B and determine what the Boundary Buffer Requirement will be. Figure 14A 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 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.
- (f) Determine Landscape Material Requirements. Divide the length of the Required Boundary Buffer (the result of 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 14A 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 100 foot increment, their placement may vary in order to screen objectionable views.

**FIGURE 14A: ALTERNATIVES FOR BOUNDARY BUFFER A**

Minimum width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
10 ft.		5	15
15 ft.		4.5	10
20 ft.		3	8.5
25 ft.		2	7

**Notes:**

1. Two (2) under story trees or two (2) evergreen trees may be substituted for 1 canopy tree for up to 25% of the required canopy trees.
2. Per staff determination - a fence, wall, or berm 3 ft. to 6 ft. in height may be used and can substitute for shrub requirements.
3. All landscape material required for the buffer shall be confined to within the boundary buffer.

**TABLE 14A  
CLASSIFICATION OF LAND USES**

LAND USE	LAND USE INTENSITY <sup>1</sup> (See note below if intensity of adjoining parcel is unknown)		LAND USE
<b>RESIDENTIAL</b>			
Single Family Detached and Detached in PUD's	Maximum 7.26 DU/A	LOW	<b>I</b>
Multi-Family	Maximum 7.26 DU/A	LOW	<b>II</b>
	Maximum 9.7 DU/A	MOD	<b>II</b>
	GREATER THAN 9.7DU/A	HIGH	<b>III</b>
<b>COMMERCIAL</b>			
Office	Maximum .50 ISR	LOW	<b>II</b>
	Maximum .65 ISR	MOD	<b>III</b>
	GREATER THAN .65 ISR	HIGH	<b>IV</b>
Retail Business (Sales and Service)	Maximum .50 ISR	LOW	<b>III</b>
	Maximum .65 ISR	MOD	<b>III</b>
	GREATER THAN .65 ISR	HIGH	<b>IV</b>
<b>INDUSTRIAL</b>			
Light Industry	Maximum .50 ISR	LOW	<b>III</b>
	Maximum .65 ISR	MOD	<b>IV</b>
	GREATER THAN .65 ISR	HIGH	<b>IV</b>
<b>INSTITUTIONAL; PUBLIC SERVICE; AND RECREATION, CULTURE &amp; ENTERTAINMENT</b>			
	Maximum .50 ISR	LOW	<b>II</b>
	Maximum .65 ISR	MOD	<b>III</b>
	GREATER THAN .65 ISR	HIGH	<b>IV</b>
<b>AGRICULTURAL</b>			
Rural		LOW	<b>I</b>
Suburban		LOW	<b>I</b>

**NOTES:**

**ISR = IMPERVIOUS SURFACE RATIO**

**DU/A = DWELLING UNITS PER ACRE**

<sup>1</sup>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.

**TABLE 14B**  
**MINIMUM BUFFER YARDS FOR ADJOINING LAND USE\***

LAND USE CLASS OF DEVELOPMENT PARCEL	LAND USE CLASS OF ADJOINING PARCEL					
	I	II	III	IV	V	Adjoining R.O.W.
<b>I</b>	A***	A	A	A	A	C**
<b>II</b>	A	A	A	A	A	C
<b>III</b>	A + 10 ft.	A	A	A	A	C
<b>IV</b>	A + 40 ft.	A + 30 ft.	A + 20 ft.	A	A	C
<b>V</b>	A + 50 ft.	A + 40 ft.	A + 30 ft.	A + 20 ft.	A	C

**NOTES:**

Each 20 foot increment required in Land Use Class IV and Land Use Class V can be substituted by an additional contiguous "B" Buffer strip.

Each 10 feet increment required in Land Use Class IV and Land Use Class V can be substituted by an additional contiguous "A" Buffer strip.

\*Greater boundary buffers may be required in approvals of Conditional Uses and PUD's when necessary to protect adjacent land uses.

\*\* Only required in Land Use Class I if parking area for 5 or more vehicles is within 50 feet of the R.O.W.

\*\*\*Boundary buffer not required on adjoining single family residential parcels.

**Buffer Yards:**

A = Boundary buffer requirements in Figure 14A

B = Intentionally Omitted

C = Streetscape buffer requirements in Figure 14C

**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, 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, and Credit for Existing Landscape Materials.

**14-8 STREETScape BUFFER**

All parcels with Land Use Classes II through V, as defined in Table 14A, with frontage on a public road and all parking areas in Class I for 5 or more vehicles (in all Land Use Classes) within 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**

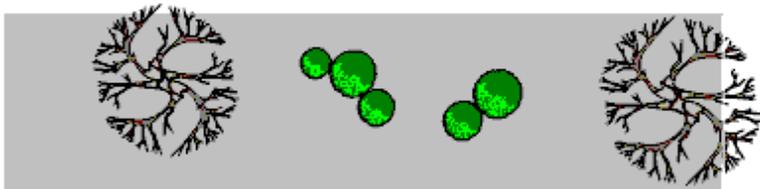
- (a) Location and Depth. The streetscape buffer shall have a depth of ten feet (10') or greater, shall be located adjacent to the right-of-way and shall extend along the entire road frontage.
- (b) Parking Prohibited. No parking or pavement shall be allowed in the streetscape buffer except for intersecting drives or required walkways.
- (c) Specifications. Landscape Material shall be required in accordance with Figure 14C and Chapter 15, General Landscape Material Standards.
- (d) Sight Triangle. When in a sight triangle, all Landscape Material shall meet the standards set forth in Section 14-9.

## **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.
- (c) Determine Landscape Material Requirements. Divide the length of the required boundary buffer (the result of 14-8.2 (b) above) by one hundred (100). Multiply the result by the number of plants for the required boundary buffer shown in Figure 14C 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 vehicular use 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 100 foot increment, their placement may vary in order to screen objectionable views.

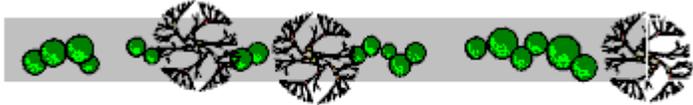
**FIGURE 14C: STREETSCAPE BUFFERS**  
**ALTERNATIVES FOR RESIDENTIAL STREETSCAPE BUFFERS**

Minimum width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
10 ft.		3.3	10
15 ft.		2.8	8
20 ft.		2.3	6.5
25 ft.		1.9	5

**Notes:**

1. 1.5 under story trees or 1 evergreen tree may be substituted for 1 canopy tree for up to 50% of the required canopy trees.
2. A fence, wall, or berm 3 ft. to 6 ft. in height may be used and can substitute for shrub requirements.
3. All landscape material required for the buffer shall be confined to within the required landscape strip.
4. One canopy tree may substitute for 3 shrubs up to 50% of the shrub requirements.

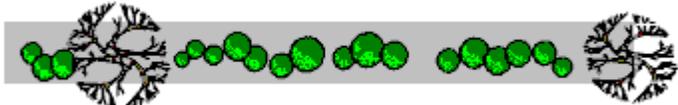
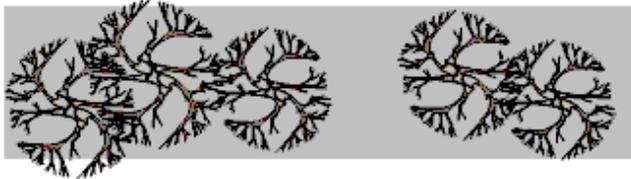
## ALTERNATIVES FOR OFFICE/INDUSTRIAL STREETScape BUFFERS

Minimum width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
OPTION 1  10 ft.		2.5	20
OPTION 2 20 ft. Average (range 10 to 30 ft.)		5 (or existing woodland area)	

**Notes:**

1. Berms shall be a minimum 3 ft. height.
2. A fence or wall 3 ft. to 4 ft. in height with 50% or less of its surface open or a minimum 3 ft. grade drop from the right-of-way to the vehicular use area may be used and can be substituted for 50% of the shrub requirements.
3. All landscape material required for the buffer shall be confined to within the required landscape strip.

## ALTERNATIVES FOR RETAIL STREETScape BUFFERS

Maximum width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
OPTION 1  10 ft.		1.5	20
OPTION 2 20 ft. Average (range 10 to 30 ft.)		2.5 (or existing woodland area)	

**Notes:**

1. Berms shall be a minimum 3 ft. height.
2. A fence or wall 3 ft. to 4 ft. in height with 50% or less of its surface open or a minimum 3 ft. grade drop from the right-of-way to the vehicular use area may be used and can be substituted for 50% of the shrub requirements.
3. All landscape material required for the buffer shall be confined to within the required landscape strip.

## 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 points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being 20 feet from the intersecting lines. See Figure 14D.

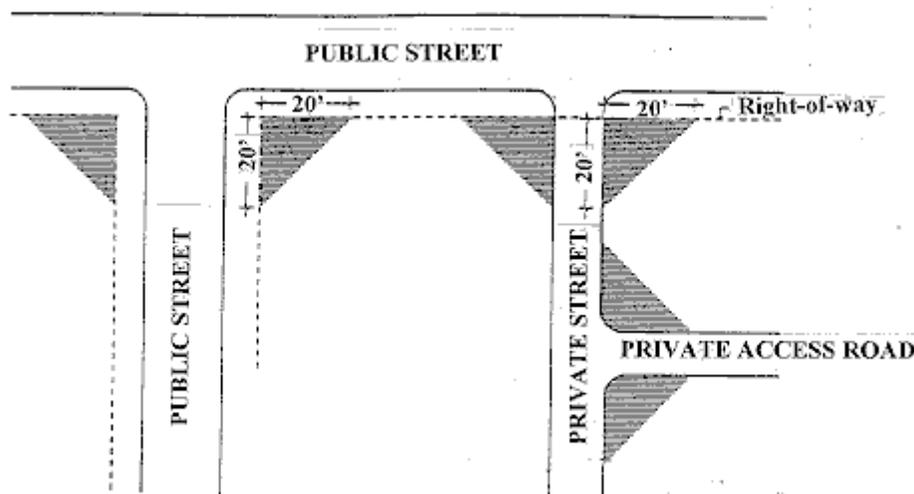
### 14-9.3 Design

The entire area of the clear sight triangle should be designed as illustrated in Figure 14D 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 inches (12") 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 14-9.4 shall also apply to any areas outside the clear sight distance triangle that fall within the sight distance requirements of the County Engineer.

**FIGURE 14D  
CLEAR SIGHT TRIANGLE**



## **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 18" DBH or greater.

### **14-10.2 Location**

Any woodland area eligible for credit must be located within one hundred feet (100') of the principal building or an 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.

## **14-11 RIPARIAN BUFFER AREA**

The purpose of this 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 120 foot wide forested buffer strip should be maintained along all streams and rivers designated as part of the State Scenic Rivers System and along related bikeways.
- (b) A minimum 50 foot wide forested buffer strip should 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 Chapters 12, 14, 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 Chapters 12, 14, 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 Chapters 12, 14, 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 to be durable, in brick, stone or other masonry materials, with fifty percent (50%) or less of the wall surface left open.

##### **15-2.2 Fences**

Any fence shall be constructed to be durable, of wood, metal or wrought iron. Fence posts shall be structurally stable. The finished side of the fence shall face out from the developing property and shall face the adjacent property or street. Chain link fencing may not be used to meet the requirements of Chapters 12, 14, and other related chapters.

##### **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 Chapters 12, 14, and other related chapters.

##### **15-2.4 Relationship of Plant Material with Wall or Fence**

- (a) Where a wall or fence which is 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 of the lowest intensity use.
- (b) Where a fence is 50% or more open, as in a wrought iron type fence, the shrub requirement shall be increased by 25% (multiply the required quantity by 1.25). When a fence is 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.

### **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 Chapters 12, 14, and other related chapters.

#### **15-3.1 Species of Plant Material**

To meet the requirements of Chapters 12, 14, and other related chapters, plants shall be species listed in the Appendix 2 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 feet (12') overall height or a minimum caliper of 2 1/2 inches when installed, and have an expected height of at least 35 feet at maturity.
- (b) Evergreen Trees shall be a minimum of five feet (5') in height when installed.
- (c) Under story Trees shall be a minimum of five feet (5') in height in clump form or 1-1/2" caliper in single stem form when installed.
- (d) Shrubs shall be at least eighteen inches (18") in height or twenty-four inches (24") 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 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 Chapters 12 and 14. 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 entitled, 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. Recommended spacing to achieve this is as follows:

- (a) Spreading evergreen trees should be planted eight feet (8') on center. Narrow evergreen trees should be planted four feet (4') 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 4' 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 100% opaque screen at maturity. Plants may be planted in rows or be staggered, but the overall effect shall be a 100% opaque screen.

### 15-4.4 Approved Plant List

Plant materials used shall be on the list in Appendix 2 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 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 Chapters 12, 14, and other related chapters.
- (b) Trees may be credited only one time towards any one buffer, screen or other landscape requirements set forth in this Chapter and in Chapters 12, 14, 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:

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 - ½"	100 sf	5 ft	1

- (e) To be credited, a tree must have the minimum landscape area surrounding the tree according to 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 50% of the required area. The surrounding landscape area shall be undisturbed land.
- (f) If any preserved tree dies, one 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.

(g) 15-6.2        Shrubs.

Shrubs may be credited on a one to one 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 Chapters 12, 14, and other related chapters.
- (b) Shrubs may be credited only one 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 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) 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 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 feet (3') 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 Chapters 12, 14, and other related chapters.
- (b) All fences, walls and berms may be credited only one 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 motion of the Sycamore Township Zoning Commission, by passage of a resolution by the Board of Township Trustees that is certified by the Board to the Sycamore Township Zoning Commission, or 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. 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, 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) 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 16-7.

### **16-5.4 Staff Recommendation**

Within thirty (30) days of the acceptance of any application for development approval determined to be complete pursuant to Chapter 20, the Administrative Official shall forward a written advisory staff report to the Sycamore Township Zoning Commission recommending approval, approval with conditions, or disapproval. The advisory staff 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;
- (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. 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 16-7.
- (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. 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
- (d) 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.

## **16-7 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, shall require notification of required public hearings in accordance with the following procedures.

### **16-7.1 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.

### **16-7.2 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 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 16-7.1.

### **16-7.3 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.

## **16-8 APPEAL OF DECISION**

Any party adversely affected by the decision of the Board of Township Trustees or by the Effect of Referendum may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.

## **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 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, in the Table of Permissible Uses in Chapter 3, 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, in a Table of Permissible Uses in Chapter 3, 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. 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.

#### **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 Board of Zoning Appeals 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 Administrator of the Board of Zoning Appeals. 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, the BZA Administrator shall:

- (a) set a date for a public hearing not less than thirty (30) nor more than sixty-two (62) 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 Sycamore Township Zoning Commission 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 Board of Zoning Appeals 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 Board of Zoning Appeals (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 BZA Administrator to: the applicant, the township in whose jurisdiction the tract is located, the owners within two hundred (200) feet in all directions. 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) days after the close of the public hearing, the BZA shall, (1) approve the conditional use; (2) approve the conditional use subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or (3) disapprove the conditional use.

### **17-4.7 Notification of Decision**

Following the decision of the Board of Zoning Appeals, that BZA shall return to the applicant one copy of the resolution and submitted plans permanently marked to show either (1) approval of the conditional use; (2) approval of the conditional use subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or (3) 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 Board of Zoning Appeals 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 Board of Zoning Appeals shall review and process all such applications at the same public hearing. In reviewing such combined applications the Board of Zoning Appeals 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 Board of Zoning Appeals 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 the Board of Zoning Appeals 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 Board of Zoning Appeals 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.

- (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, morals, 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, each conditional use is subject to one or more specific criteria as identified in the Table in Section 17-12. The following list contains all the specific criteria with each preceded by a number for reference in the Table in Section 17-12.

- (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 vehicular use 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. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.

- (14) 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.
- (15) Landscaping shall be installed in accordance with one of the following buffers as described in detail in Chapter 14:
  - (a) Boundary Buffer A (shown in Figure 14 A)
  - (b) Boundary Buffer B (shown in Figure 14 B)
  - (c) Streetscape Buffer (shown in Figure 14C)
- (16) Signage shall be regulated as follows:
  - (a) No signs shall be erected for purposes of identification except a permitted street address sign
  - (b) One sign permitted at a maximum of 12 square feet and non-internally illuminated
  - (c) One sign permitted at a maximum of 32 square feet
  - (d) Subject to sign standards in Chapter 13
- (17) The conditional use shall be subordinate to the principal permitted use with regard to usage and character.
- (18) Outdoor playgrounds, tot lots, exercise areas, and pools shall be fully enclosed by a fence.
- (19) All exterior lighting shall be directed away from adjacent residential properties.
- (20) 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.
- (21) Security measures shall be submitted as part of the application.
- (22) 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.
- (23) A refuse collection plan shall be submitted as part of the application.
- (24) Meals shall be served only to guests or residents of the facility and not to the general public.
- (25) The intensity of the particular use shall be evaluated with regard to the location, size, and configuration of the tract.
- (26) An emergency response plan shall be submitted detailing safety measures and response procedures.
- (27) No structure, storage area, or vehicular use area shall be located closer than:
  - (a) 100 feet to a residential use or district
  - (b) 200 feet to a residential use or district.
- (28) No landing strip shall be closer than 1,000 feet from a residential use.
- (29) 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.
- (30) The unit shall contain a maximum of 900 sq. ft. and not exceed 15 ft. in height.
- (31) 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.
- (32) There shall be central management of the use to assure seasonal occupancy only (April 1 to October 31).
- (33) All mechanical equipment is to be screened from view from any residential property line.
- (34) 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.
- (35) All photometric lighting levels are to be at 0 foot candles at all property lines

## **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 as well as the general conditions contained in Section 17-6.

## **17-9 ADDITIONAL REGULATIONS PERTAINING TO CONDITIONAL USES**

In addition to the general standards contained in Section 17-6, the specific criteria contained in Section 17-7, all conditional uses are subject to the following regulations.

### **17-9.1 Additional Conditions**

The Board of Zoning Appeals 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, including any additional conditions required in conjunction with the approval by the Board of Zoning Appeals. 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 Board of Zoning Appeals 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 Board of Zoning Appeals, 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 to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.

## **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 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.
- D. **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.
- E. **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.
- F. **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.
- 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 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.

**Table 17-12  
CONDITIONAL USES**

SPECIFIC USES	CONDITIONAL USES BY DISTRICT*									Specific Criteria for Conditional Uses
	AA-C	D		O	E	F				(Numbers as per Sec. 17-7)
<b>RESIDENTIAL USES:</b>										
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
<b>COMMERCIAL USES:</b>										
Office (excluding medical) - low intensity (Max ISR = .50)		C								6, 7, 8, 14, 15 b&c, 16d, 19, 25
Restaurant or Bar as accessory to office use				C						15, 16a, 17,
<b>INDUSTRIAL USES:</b>										
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
<b>INSTITUTIONAL USES:</b>										
Church (ISR Max .45)	C									6,8,12,14,15b,c,16 d,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
<b>PUBLIC SERVICE USES:</b>										
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
<b>RECREATIONAL, CULTURAL &amp; ENTERTAINMENT USES:</b>										

SPECIFIC USES	CONDITIONAL USES BY DISTRICT*								Specific Criteria for Conditional Uses
	AA-C	D		O	E	F			(Numbers as per Sec. 17-7)
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								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								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

<b>*Zone Districts:</b>		
AA-C =	AA, A, A-2, B, B-2, & C Residential Districts	F = Light Industrial District
D =	Multi Family Residential Districts	
O =	Office District	
E =	Retail Business District	

## 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 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.

### 17-13.2 Authority and Scope

Except in accordance with Ohio Revised Code 303.211 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 Board of Zoning Appeals 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 and other provisions of the Sycamore Township Zoning Resolution, the provision of this Section shall prevail.

### **17-13.3 Exceptions:**

1. 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 25 feet above the original height of the structure on which it is mounted.
2. Telecommunications towers not located in an area zoned for residential uses are exempt from zoning.
3. Telecommunications towers located in an area zoned for residential use are exempt from zoning unless within 15 days after the date of mailing of the applicant's notice sent under division (B) (3) (b) of Ohio Revised Code Section 303.211:
  - a. A Board of Township Trustees or a contiguous property owner gives written notice to the Township Trustees requesting that the tower be subjected to zoning regulations, or
  - b. A member of the 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:

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 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.

Co-location. The use of a telecommunications tower by more than one 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.

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).

Telecommunications Tower. Any free-standing 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 17 pertaining to conditional uses and the Ohio Revised Code pertaining to telecommunications towers.

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 shall first schedule a pre-application conference with the Zoning Administrator or designee. 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:

1). 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:

- For a tower proposed to exceed a height of 200 feet, analysis must include all towers within a 1 ½ mile radius,
- For a tower proposed to exceed a height of 100 feet but less than 200 feet, analysis must include all towers within a 1 mile radius,
- For a tower proposed to be built at a height less than 100 feet, analysis must include all towers with a 1/2 mile radius.

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.

2). 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:

- For a tower proposed to exceed a height of 200 feet, analysis must include all towers within a 1 ½ mile radius,
- For a tower proposed to exceed a height of 100 feet but less than 200 feet, analysis must include all towers within a 1 mile radius,
- For a tower proposed to be built at a height less than 100 feet, analysis must include all towers within a 1/2 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:

- Unwillingness of the site owner to site a telecommunications tower on commercially reasonable terms;
- Topographic limitations of the site;

Adjacent impediments that would obstruct adequate transmission;

- (a) Physical site constraints that would preclude the construction of a telecommunications tower;
  - 2 Technical limitation of the telecommunications system;
- (a) Existing potential sites do not provide an acceptable location for requisite coverage for the applicant's communications network.

3). 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 400 feet from the facility in each of the four compass directions showing the relationship of the tower and/or facilities against the massing of surrounding structures, trees, and other intervening visual masses.

4). Expert Review. Prior to granting a Conditional Use Certificate, The Board of Zoning Appeals 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.

5). 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.

6). 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.

7). 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 Sycamore Township Board of Trustees.

8). 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.

9). 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 Board of Zoning Appeals and to the benefit of the Township Trustees a letter of credit, a performance bond, or other security acceptable to the Township Trustees. Performance Bonds are to be issued by a bonding agency certified and licensed by the State of Ohio. 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. 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 1 of each calendar year while the telecommunications tower is in use. Any guarantee submitted shall be irrevocable and shall provide for the Township Trustees

to collect the full amount of the guarantee if the applicant fails to maintain the guarantee. A change in ownership, lessee, successor by merger requires the issuance of a new guarantee. The new guarantee shall be submitted to the Board of Zoning Appeals Administrator for approval and submission to the 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.

10). Other Approvals. Proof shall be provided by the applicant in a form satisfactory to the Board of Zoning Appeals 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, the Federal Aviation Administration, the Federal Communication Commission, 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.

1. 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: (a) a tower 75 feet tall or less shall be designed, engineered and constructed to support antennas installed by one or more wireless communication service provider; (b) a tower more than 75 feet tall but less than 150 feet tall shall be designed, engineered and constructed to support antenna installed by two or more wireless communication service providers, and (c) a tower 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 Board of Zoning Appeals.

2. 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.

3. 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 100 percent of the proposed tower height and a minimum of 50 percent of the proposed tower height from any adjoining nonresidential use or district.

4. Setbacks for Accessory Structures. All structures, except fences and underground shelters, shall be located at least 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.

5. Underground Shelters. Underground equipment shelters are encouraged in residential district, and may be required by the Board of Zoning Appeals.

6. 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 7 feet and not more than 10 feet above grade and be a minimum of 30 feet from any residential property line.

7. 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 Board of Zoning Appeals may permit a combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping.

8. 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 5 square feet in area.

9. 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 Sycamore Township Zoning Resolution.

10. 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.

11. Abandonment. The applicant (or its successors) shall, within 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 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 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 30 days of such notice to the FCC. If the tower will not be reused, the owner shall have 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 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 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 (9) above.

12. 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 Modifications.**

Where the Board of Zoning Appeals 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 Board of Zoning Appeals 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 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 Board of Zoning Appeals. 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 Federal Communication Commissioner's regulations concerning such emissions.

# **CHAPTER 18**

## **PLANNED UNIT DEVELOPMENT OVERLAY AND PUD PROCEDURES**

### **18-1 PURPOSE**

The purpose of the Planned Unit Development (“PUD”) Overlay District 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. The PUD 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 DISTRICT DESIGNATION AND APPLICABILITY**

The PUD District is an overlay of alternative regulations, including procedures and standards that are applicable to all land within the jurisdiction of these regulations in accordance with the provisions of this chapter. The PUD Overlay District is established on the official zoning map in accordance with Section 1-6 and Chapter 3. This overlay district enables individual property owners to request administrative approval of PUD plans on their property in accordance with the provisions of this chapter.

### **18-3 AUTHORITY**

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 development plan for a PUD for any use listed as a PUD in the Table of Permissible Uses found in Chapters 4, 5, 6 and 7.

#### **18-3.1 Approval of PUD-1 Applications**

Proposed planned unit developments whose net densities or intensities fall within the PUD-1 range, as shown in the Table of Permissible Uses in Chapter 3 shall require administrative approval of a PUD Plan (Planned Unit Development Plan) by the Sycamore Township Zoning Commission and certification of a Zoning Compliance Plan by the Administrative Official.

#### **18-3.2 Approval of PUD-2 Applications**

Proposed planned unit developments whose net densities or intensities fall within the PUD-2 range, as shown in the Table of Permissible Uses in Chapter 3 shall require review and recommendation of a PUD Plan (Planned Unit Development Plan) by the Sycamore Township Zoning Commission, legislative approval of a PUD 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 planned unit developments unless they are modified by the Sycamore Township Zoning Commission or Board of Township Trustees with specific findings that the general standards in section 18-7 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 PUD-1 and PUD-2 applications.

### **18-4 EFFECT OF PUD LISTING**

#### **18-4.1 Compliance with Zoning Requirements**

The listing of a use in the Table of Permissible Uses or in any district regulation as being permitted with a PUD Zoning Certificate does not constitute an assurance or presumption that a proposed development plan will be approved except as provided in Section 18-4.2. Rather, each proposed development plan shall be evaluated by the Sycamore Township Zoning Commission 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 PROCEDURE FOR PUD PLANS**

### **18-5.1 Pre-application Conference**

Prior to preparing or submitting a complete application for PUD Plan approval pursuant to Section 18-5.2, 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 PUD 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 for a planned unit development shall file an application on a form or forms provided by the Administrative Official with a PUD 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. The PUD may be approved by the Sycamore Township Zoning Commission and the Board of Township Trustees, as the case may be, on the basis of such conceptual or detailed plan provided said plan otherwise complies with all regulations.

### **18-5.4 Staff Report**

The Administrative Official shall prepare and transmit to the Sycamore Township Zoning Commission prior to their public hearing a written report incorporating or summarizing comments of other departments, agencies and officials. A recommendation shall be included, setting forth whether the PUD application should be approved, approved with modifications, or denied and reasons for such recommendation.

### **18-5.5 Sycamore Township Zoning Commission Hearing and Decision**

Within ten (10) to forty-five (45) days following receipt of the PUD application determined to be complete, the Commission shall hold a public hearing in the manner prescribed in the adopted Organization, Procedure and Rules and Regulations of the Commission. At the conclusion of the public hearing, the Commission shall, on the basis of written findings relative to the standards set forth in Section 18-7, either (1) approve the PUD Plan; (2) approve the PUD Plan subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or (3) disapprove the PUD Plan.

### **18-5.6 Notification of Decision**

The Administrative Official shall notify the applicant of the decision or recommendation of the Sycamore Township Zoning Commission, as the case may be, as follows:

- (a) PUD-1. The action of the Sycamore Township Zoning Commission, and one copy of the submitted plans permanently marked to show such decision, shall be transmitted to the applicant.

- (b) PUD-2. The recommendation of the Sycamore Township Zoning Commission shall be transmitted to the applicant and such recommendation together with the staff report and the complete application shall be transmitted to the Board of Township Trustees for action pursuant to Section 18-5.8.

### **18-5.7 Board of Township Trustees Hearing and Decision on PUD-2 Application**

Following the recommendation of the Sycamore Township Zoning Commission regarding a PUD-2 application, the Board of Township Trustees shall hold a public hearing within thirty-one (31) days. At the conclusion of such hearing the Board shall, on the basis of written findings relative to the standards set forth in Section 18-7, either (1) approve the PUD Plan; (2) approve the PUD Plan subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or (3) disapprove the PUD Plan.

### **18-5.8 Effect of PUD Plan Approval**

The approval of a PUD Plan by the Sycamore Township Zoning Commission or by the Board of Township Trustees as being in compliance with standards of approval pursuant to Section 18-7 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.

### **18-5.9 Period of Validity**

Subject to an extension of time granted by the Sycamore Township Zoning Commission, no PUD Plan (for PUD-1, PUD-2, or S-PUD 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 PUD 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 PUD, applications shall be filed with the Sycamore Township Zoning Commission for all other required approvals.

### **18-6.1 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.

### **18-6.2 Procedures and Action**

Whenever an applicant files applications for other approvals pursuant to this Section, the Sycamore 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 Sycamore 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 PUD PLAN APPROVAL**

In determining whether a PUD Plan filed pursuant to this Chapter shall be approved or recommended for approval, the Administrative Official, the Sycamore Township Zoning Commission, and the Board of Township Trustees shall apply the following general standards.

- (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 Sycamore 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 Sycamore 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 the provisions for visual and acoustical privacy.

## **18-8 ZONING COMPLIANCE PLAN -- CERTIFICATION OF PUD 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, including any modifications required in conjunction with the approval by the Sycamore Township Zoning Commission or by the Board of Township Trustees, as the case may be.

### **18-8.2 Conveyance**

Any land identified on the PUD 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 (1) certify that the Zoning Compliance Plan complies with the approved PUD Plan; or (2) refuse to certify the Zoning Compliance Plan for lack of compliance with the approved PUD 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.

## **18-9 ADJUSTMENTS TO PUD PLAN**

Adjustments to an approved PUD Plan or previously approved Zoning Compliance Plan may be considered minor or major and shall be reflected on a 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 PUD 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 minor adjustments through the procedure defined in Section 18-8. 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 PUD plan.

### **18-9.2 Major Adjustments**

Any adjustment to the PUD Plan within the criteria of Section 18-9 but not authorized by Section 18-9.1 shall be considered a major adjustment. The Sycamore Township Zoning Commission, following notice to all property owners whose properties are located within two hundred (200) feet of the PUD, shall hold a public hearing within ten (10) to forty five (45) days of receipt of the completed Zoning Compliance Plan application. At the conclusion of the public hearing, the Commission shall make a recommendation to the Board of Township Trustees to approve, deny, or add conditions for the application for a major adjustment to the PUD Plan. Upon conclusion of the hearing, the Sycamore Township Zoning Commission shall forward the recommendation to the Sycamore Township Board of Trustees. Following the Sycamore Township Zoning Commission hearing, the Sycamore Township Board of Trustees, following notice to all property owners whose properties are located within two hundred (200) feet of the PUD, shall hold a public hearing within ten (10) to forty five (45) days after receipt of the recommendation by the Sycamore Township Zoning Commission. At the conclusion of the public hearing, the Board of Township Trustees shall approve, deny, or modify.

## **18-10 APPEALS**

### **18-10.1 Appeal of Sycamore Township Zoning Commission Decision**

Any party aggrieved by the administrative decision of the Sycamore Township Zoning Commission for a PUD-1 may appeal within thirty (30) days of the date of decision to the Board of Township Trustees.

### **18-10.2 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 a PUD-1 or a PUD-2 approval or a decision regarding a minor adjustment, may appeal within thirty (30) days of the date of decision to the Sycamore Township Zoning Commission.

### **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 PUD-2 approval or a decision on an appeal pertaining to a PUD-1 or PUD adjustment may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.

## **CHAPTER 19**

### **DECISION MAKING/ADMINISTRATIVE BODIES AND OFFICIALS**

#### **19-1 BOARD OF TOWNSHIP TRUSTEES**

The 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 PUD-2s (planned unit developments requiring Board of Township Trustees final approval);
- (d) To modify specific requirements in this resolution for lot areas, height, yards (buffers), perimeter setbacks, parking, landscaping, signs, lighting, and noise in PUD-2s after making specific findings of compliance with general standards
- (e) To hear and decide appeals concerning planned unit developments pursuant to Chapter 18, Sections 18-10.1 and 18-10.2;
- (f) To take such other actions not delegated to other bodies that may be desirable and necessary to implement the provisions of this Resolution.

#### **19-2 SYCAMORE TOWNSHIP ZONING COMMISSION**

##### **19-2.1 Membership**

The Sycamore Township Zoning Commission consists of (5) members, appointed by the Township Trustees, who must be residents of the unincorporated territory of Sycamore Township included in the area zoned.

##### **19-2.2 Jurisdiction and Authority**

The Sycamore 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 PUD-2s (planned unit developments requiring Board of Township Trustees final approval for increases in development intensity);
- (d) To approve PUD Plans for PUD-1s (planned unit developments requiring Rural Zoning Commission final 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 PUD-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 vehicular use 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;
- (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 Developments;
- (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 PUD-1s 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) Special Public Interest - Natural Resource Strategies
  - (3) Special Public Interest - Neighborhood Quality Strategies
  - (4) Special Public Interest - Suburban Center Strategies
  - (5) Special Public Interest - Suburban Corridor Strategies
  - (6) Special Public Interest - Suburban Village Strategies
  - (7) Township Corridor studies
  - (8) Township Land Use Plans
  - (9) Township Coordinated Land Use Plan

### **19-2.3 Officers**

The officers of the 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 Commission.

### **19-2.4 Meetings; Records**

The 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.

### **19-2.5 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 Commission.

### **19-2.6 CONFLICTS**

No member of the 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 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 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.

## **19-3 BOARD OF ZONING APPEALS**

### **19-3.1 Membership**

The Board of Zoning Appeals consists of five (5) members, appointed by the 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 member will expire each year. Each member serves until a successor is appointed and qualified. Vacancies are filled by the Township Trustees and are for the unexpired term.

### **19-3.2 Jurisdiction and Authority**

The Board of Zoning Appeals 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;
- (b) To authorize variances from the terms of this Resolution pursuant to the procedures and standards for variances set forth in Chapter 21;
- (c) To decide conditional use requests pursuant to the procedures and standards set forth in Chapter 17.

### **19-3.3 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 Board.

### **19-3.4 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 Board.

### **19-3.5 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.

### **19-3.6 Conflicts**

No member of the Sycamore Township Board of Zoning Appeals 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 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 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, Sections 9-2.8 and 9-3.4;
- (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;

## **19-5 ADMINISTRATIVE OFFICIAL**

The Administrative Official has primary responsibility for administering the duties of the Sycamore Township Zoning Commission as required by this Resolution. These duties 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". The Administrative Official has the following powers and duties in connection with the implementation of this Resolution:

- (a) 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 Sycamore Township Zoning Commission and to the Board of Township Trustees;
- (b) To schedule, provide notice of, and conduct public prehearing conferences required by this Resolution or by Sycamore Township Zoning Commission Bylaws;
- (c) To make recommendations on proposed conditional uses to the Board of Zoning Appeals;
- (d) To make recommendations on proposed PUD's to the Sycamore Township Zoning Commission and the Board of Township Trustees;
- (e) To make recommendations on proposed localized alternative sign regulations to the Sycamore Township Zoning Commission;
- (f) To make recommendations on proposed modifications and waivers of standards for buffer yards to the Sycamore Township Zoning Commission;
- (g) To maintain an official record of buffer agreements between different owners of adjacent parcels;
- (h) To administer revocation of zoning certificates and assessment of penalties for violation of sign regulations;
- (i) To review and certify compliance of Zoning Compliance Plans with PUD Plans;
- (j) To review and certify compliance of off-street parking plans for five or more vehicles submitted with applications for zoning certificates;
- (k) To review and certify compliance of buffer plans submitted with applications for zoning certificates;
- (l) 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) To authorize minor adjustments in Zoning Compliance Plans for PUD's in accordance with criteria for approval of final location of structures, circulation elements, open space, and landscape buffers;
  - (n) To authorize minor adjustments in type of landscape elements for PUD Zoning Compliance Plans;
  - (o) To make recommendations to the Board of Township Trustees regarding establishment and revision of fees for Zoning Certificates and applications;
  - (p) To hold pre-application conferences with PUD applicants to review and advise on proposed development concepts;
  - (q) To determine completeness of applications;
  - (r) 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 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 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 Department of the Building Commissioner. 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.

##### **20-1.2 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. Two (2) copies 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.

##### **20-1.3 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.

##### **20-1.4 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, 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**

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. The current Fee Schedule shall be made available upon request at the office of the Administrative Official.

## **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, if at all, pursuant to other provisions of this Resolution, the variance procedure is inappropriate.

#### **21-2 AUTHORITY**

The Board of Zoning Appeals, 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 variance may be filed on forms approved by the Board 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 Board of Zoning Appeals (BZA).

##### **21-4.2 Public Hearing**

Upon receipt of a complete application for a variance, the Board of Zoning Appeals 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 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 Board of Zoning Appeals shall render its decision, granting or denying the variance pursuant to the standards and procedures set out in this Chapter. The Board 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 Board of Zoning Appeals shall not decide an application for such variance until a final approval has been rendered by the Sycamore 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 Board of Zoning Appeals 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 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.

### **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 aforesaid unique physical condition 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**

- (a) The variance would not 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) would materially impair an adequate supply of light due to adverse location of shadow to the properties and improvements in the vicinity;
- (c) would substantially increase hazardous conditions in the public streets due to traffic or parking;

- (d) would unduly increase the danger of flood or fire;
- (e) would unduly tax public utilities and facilities in the area; or
- (f) would 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 Board of Zoning Appeals 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 Board of Zoning Appeals, no variance shall be valid for a period longer than six (6) months unless applications for permits or approvals referenced in Section 21-9 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 Board of Zoning Appeals.

## **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 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 Board of Zoning Appeals may be taken by any person aggrieved or by any Officer of the Township affected by any decision of the Administrative Officer.

#### **22-4 PROCEDURE**

Appeals to the Board of Zoning Appeals shall be taken in accordance with the following procedures.

##### **22-4.1 Notice of Appeal**

Appeals to the Board 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 Board, in such number of duplicate copies as the Board 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 Board, 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 Board 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 Board of Zoning Appeals, after the notice of appeal shall have been filed, that by reason of facts stated in writing to the Board a stay would, in that Officer's opinion, cause imminent peril to life of 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 Board and to the Officer, and on due cause shown.

##### **22-4.4 Public Hearing Notice**

Upon receipt of the notice of appeal, the Board 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. Notice of the public hearing shall be given in writing to the property owners within 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) 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 Board 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.

## **22-6 APPEAL OF DECISION**

Any party adversely affected by a decision of the Board of Zoning Appeals 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, Section 20-2.2, 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 30-day period.

### **23-4.3 Appeal**

Appeals from interpretations rendered by the Administrative Official may be taken to the Board of Zoning Appeals pursuant to Chapter 22.

### **23-5 STANDARDS FOR USE INTERPRETATIONS**

The following standards shall govern the Administrative Official and the Board of Zoning Appeals on appeals from the Administrative Official in issuing use interpretations:

- (a) Any use defined in Chapter 2 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.
- (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 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 Board of Zoning Appeals.

### **23-8 APPEALS FROM ADMINISTRATIVE DECISIONS**

#### **23-8.1 Procedure**

The Board of Zoning Appeals shall hear and decide appeals in accordance with the provisions in Chapter 22.

## **CHAPTER 24**

### **ENFORCEMENT**

#### **24-1 COMPLAINTS REGARDING VIOLATIONS**

Whenever the Zoning Inspector receives a written, signed complaint alleging a violation of this Resolution, he/she shall investigate the complaint within ten (10) working days 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. 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 Planning & 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 Section 24-3.

##### **24-3.3 Citation**

If no action is taken within the time period allowed for correction, cessation, or appeal to the Board of Zoning Appeals, 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 Section 24-4.

#### **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 Board of Zoning Appeals if the offender was sent a final notice of violation in accordance with Section 24-3 and did not appeal to the Board of Zoning Appeals 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 ORC 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 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 Sycamore Township Zoning Commission, or the Zoning Inspector granting, revoking, or denying a Zoning Certificate; and every final decision of the Board of Zoning Appeals shall be subject to review by the Court of Common Pleas.

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