

# APPENDIX

## COMPREHENSIVE PLAN UPDATE





# 6. APPENDIX

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**Comprehensive Land Use and Growth Plan  
2005**



# COMPREHENSIVE LAND USE and GROWTH PLAN

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***DRAFT* COMPREHENSIVE LAND USE and GROWTH PLAN**

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**APPENDIX**

- a. PLANNING READING LIST
- b. COMMUNITY SURVEY RESULTS
- c. DEVELOPMENT GLOSSARY
- d. PUBLIC PARTICIPATION RECORDS

# COMPREHENSIVE LAND USE and GROWTH PLAN

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## I EXECUTIVE SUMMARY

Millcreek Township embarked upon its first Comprehensive Plan in the spring of 2004. The purpose of this endeavor was stated thus:

- *Aid in the development of key guiding principles to preserve the agriculture and natural resources as well as the rural atmosphere in the township.*
- *Aid in the development of key guiding principles as related to industrial, commercial and residential growth and development.*
- *Be a plan designed specifically for our community.*
- *Identify a balanced plan that recognizes the rights of individual landowners, while preserving property values and preparing the township for unavoidable future development.*
- *Identify any "hot spots"/sensitive areas. It shall also include recommendations on direction for these areas.*
- *Make recommendations on how the Millcreek Zoning Resolution and zoning districts can be modified to better compliment the Plan.*
- *Provide a basis for the implementation - including, but not limited to the township zoning resolution, and related county growth plans.*
- *Include strategic action steps for the township to implement following adoption of the plan.*

The questions of balancing the rights of individual landowners, which are highly protected under Ohio law,

and the desire to maintain a rural atmosphere, and the degree of regulation that should be undertaken to preserve existing agriculture and natural resources, proved to be the underlying theme of most discussions and choices made by the steering committee. Many evenings were spent wrestling with resolution to these questions for Millcreek.

In the middle of the process, the City of Marysville went public with plans to construct a new waste water treatment facility within Millcreek Township. The implications for potential annexation of large amounts of Township land suddenly became real and present and the Steering Committee became concerned with the issue of how to remain a viable township that could still control its own destiny. The original work plan became extended as the Township's citizens mobilized to make their concerns known to the City of Marysville, and to explore options that might still be available to them. Although groundwork has already been laid toward the goal of maintaining control over its own destiny, the situation will require vigilance and has played a part in the evolution of some of the recommendations of the plan.

The announcement of the waste water treatment facility, coupled with verification that a group of investors are considering a major development spanning Jerome and Millcreek Townships, pointedly illustrates that a community's plan must be flexible enough to allow the community to capitalize on unique and unforeseen

# COMPREHENSIVE LAND USE and GROWTH PLAN

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## I EXECUTIVE SUMMARY

opportunities. More important than production of a map is the building of skills and development of an open and effective planning and zoning process.

Careful reading of the Plan provides the reader with an underlying set of policies for evaluation of unimagined challenges that may arise in the future. These policies and findings of evaluation will assist the Zoning Committee, Board of Zoning Appeals and Township Trustees in formulating appropriate actions that relate to the guiding Vision and Goals of the community as expressed in the Plan.

The learned process instructs the Township to periodically revisit not only the Plan itself, but more importantly, the opinions and Vision held by the citizens. Change is continuous and changing circumstances and changing public opinion will require that the Plan will evolve also, ideally, quickly enough to manage new challenges before they arise.

The Comprehensive Land Use and Growth Plan is organized in much the same order as the planning process evolved: Part II, Existing Conditions and Analysis lays out the background information about the physical, economic and demographic characteristics of the Township, including its growth and development into the present. The plans of the schools and businesses were considered and those of surrounding communities were examined for potential

impacts at the Township's borders. Equally important to this phase, was the assessment of the attitudes and concerns of the citizens themselves. The Appendix contains among other things the public records of the Steering Committee meetings, the Community Open Houses and the tally of the Community Survey.

The citizen survey, distributed to every household in the Township, was an extremely important vehicle for understanding citizens' opinions and concerns. The survey and the input received during the first open house shaped the expression of the Community Vision, Goals and Objectives, found in Part IV Plan Foundations. In many ways Part IV is the most important part of the document, as the Vision, Goals and Objectives are what drives the solutions set out in Part V, Planning Areas & Recommendations.

Part V, Planning Areas & Recommendations took the perspective that although the Township is currently very homogenous in land use and character, impending growth pressures will not affect all parts of the Township equally. This part attempts to describe four general areas and the different forces and conditions may play upon their immediate futures. Many of the recommendations made are certainly general and apply across the entire Township. Others that are outlined following the descriptions of the "planning areas" will largely be applicable in the other planning areas- as the need may arise. That is to say that

# COMPREHENSIVE LAND USE and GROWTH PLAN

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## I EXECUTIVE SUMMARY

certain policies and actions may have different levels of relevance, or relevance during differing time periods depending on which part of the Township is under consideration.

in depth discussions of the formulation and experience in the use of these concepts.

Part VI, the Action Plan, breaks down some recommendations into critical steps to begin implementation of the Plan, as well as putting an estimated time frame for recommendations that will be built upon the completion of other first steps. The Action Plan is produced in a chart format briefly identifying the task, probable responsible entities and timeframes. The Actions are presented in terms of those to accomplish in the Short Term (first three years) Medium Range (years four through ten) and Long Range (years eleven through fifteen). Though the Plan attempts to use a twenty-five to thirty year horizon, in all likelihood, modifications will be required much sooner, and the years beyond 2020 are expected to have new tasks lists established in subsequent updates to this Plan.

*The thing always happens that you really believe in;  
and the belief in a thing makes it happen.*  
**Frank Lloyd Wright**

In closing the document, in addition to the records of public participation discussed above, the Appendices include a glossary of development terms in case the authors have failed to adequately explain or purge planning jargon in the text. For those having greater curiosity about planning concepts in the Plan, a brief Planning Reading List is also attached to provide the reader with even greater

# COMPREHENSIVE LAND USE and GROWTH PLAN

## II EXISTING CONDITIONS ANALYSIS

### INTRODUCTION

All good plans begin with a thorough assessment of existing conditions. Though most residents already have a qualitative sense of what the data tells us, measuring the magnitude of change and potential for future change is an important activity of the planning process. Assessing the study area's current situation is critical to understanding the potential for future growth and development.

### LOCATION

Millcreek Township is located in southeastern Union County and shares a border with Dover Township, Jerome Township, a small portion of Darby Township, and the City of Marysville as well as two townships in Delaware County – Scioto and Concord. The City of Marysville has annexed land along Industrial Parkway isolating a small portion of Millcreek Township, see Figure II-1.

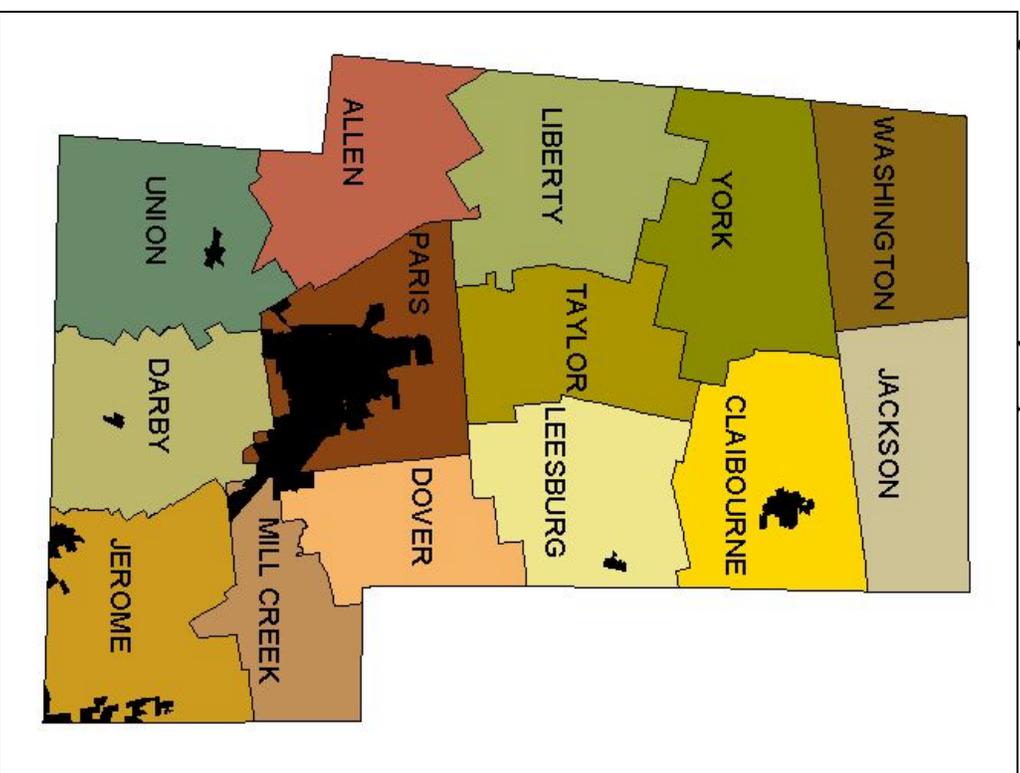


Figure II-1: Union County Map

# COMPREHENSIVE LAND USE and GROWTH PLAN

## II EXISTING CONDITIONS ANALYSIS

### DEMOGRAPHIC ANALYSIS

Demography is the science of vital and social statistics of populations. Demographics can be used to provide a snapshot of a community, portraying the many characteristics of its population. Demographics also provide the basis for forecasts to determine future community patterns and predict change. This demographic analysis primarily focuses on Millcreek Township's population and housing trends and their future implications for the community.

#### POPULATION TRENDS AND FORECASTS

According to the 2000 U.S. Census (file P3, 100% count), Millcreek Township had a 2000 population of 1,261, representing a 54.7 percent increase in population from 1990. By comparison, from 1990 to 2000 Union County as a whole experienced a 26 percent increase in population making Union County's population 40,909 in 2000.

#### Population Forecasts

Changes in population impacts land use as well as demands placed on a community's services and infrastructure. Therefore, forecasts are used to estimate future population in order for the Township to adequately plan future growth areas and avoid undue expenditures related to public services.

A variety of factors are not considered with numerical population forecasting methods including local preference for growth as well as the impact of future infrastructure improvements. There are many different ways in which

population can be forecasted. Probably none can by itself be precisely predictive. However, they can yield an approximation of growth that can be expected if certain trends continue into the future. In this study, we employ three different numerical methods that yield a range of scenarios, that we might term a very aggressive growth model, a very conservative model, and a mid-range. These three levels will be used throughout in estimating impacts of the resulting land use plans.

#### *Linear Forecast*

The linear growth model is the simplest and most widely used projection technique. This model assumes population grows following a straight line with constant slope indicating a constant incremental change. That is to say that it assumes that the increase seen over the previous ten years will hold constant at least until 2030, the planning time from for this study.

The 2000 population of 1,261 was used as the basis for the projection. Using the linear method results in the following population forecast for Millcreek Township:

Table II-1

Year	Projected Population	Estimated Number of Households*
2010	1707	620
2020	2153	783
2030	2599	959

\*Based on an average household size of 2.75, as reported for Millcreek Township in the 2000 Census, Summary File 1, Table H12.

# COMPREHENSIVE LAND USE and GROWTH PLAN

## II EXISTING CONDITIONS ANALYSIS

### *Geometric Forecast*

The geometric growth model inflates the population assuming that relative change remains the same. This method creates a geometric curve where population grows at a constant geometric rate. This method would not take into account that growth will inevitably be limited by saturation of land or resource constraints, both physical and fiscal, however, in the twenty-five year planning horizon of this document, this level of saturation does not appear to be reachable.

The 2000 population (1,261) was used as the basis for the projection. Using the geometric method results in the following population forecast:

Table II-2

Year	Projected Population	Estimated Number of Households*
2010	1951	709
2020	3018	1,097
2030	4669	1,698

\*Based on an average household size of 2.75, as reported for Millcreek Township in the 2000 Census, Summary File 1, Table H12

### *Proportional Forecast*

The Proportional Forecast method assumes that the Township would maintain a constant proportion of County population as they grow. County level population forecasts were prepared by the Ohio Department of Development Office of Strategic Research through 2030.

Their county level forecast method takes into account for birth and death rates as well as in-migration and out-migration statistics, and by gender. In 2000, Millcreek Township was 3.1 percent of Union County's total population. Applying this same percentage to the Union County population forecasts results in the following, Table II-3:

Table II-3

Year	Union Co. Projected Population 1	Millcreek Twp. Projected Population 2	Estimated Number of Households 3
2010	50,736	1573	572
2020	64,568	2002	728
2030	85,193	2641	960

1- County Projections from ODD, OSR

2- Millcreek Township's Projection by Proportional Share Method

3- Based on an average household size of 2.75, as reported in the 2000 Census, Summary File 1, Table H12

### *AGE DISTRIBUTION*

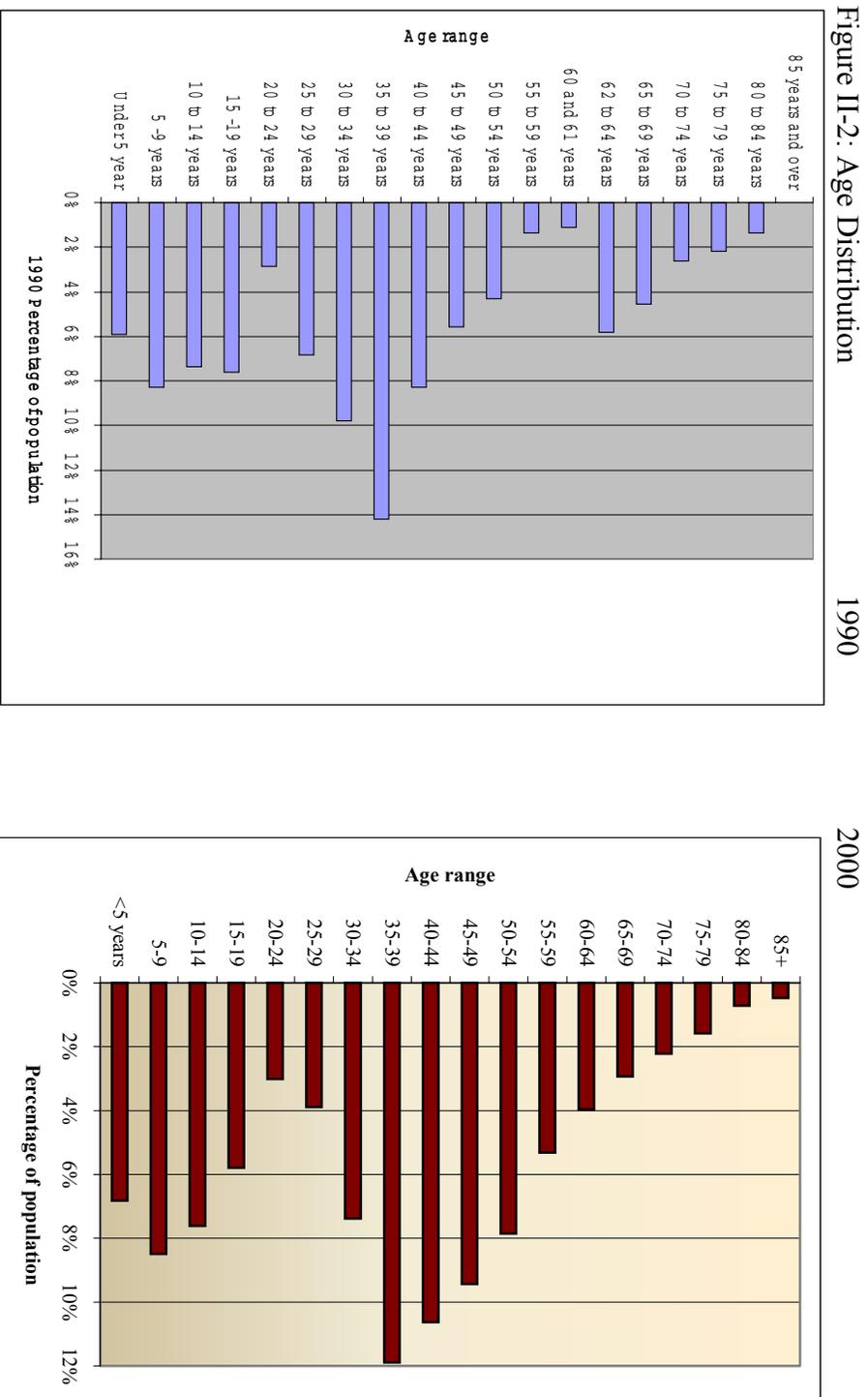
Age is an important factor in a demographic analysis because population groups of different ages have differing needs for community services. For example, young people have a greater requirement for educational services and recreational facilities while senior citizens face a growing need for medical services and may need assistance with housing and transportation. Therefore, looking at age distributions can help a community prepare for the needs of its residents.

# COMPREHENSIVE LAND USE and GROWTH PLAN

## II EXISTING CONDITIONS ANALYSIS

In 2000 the median age in the Township was 38.2 years. Figure II-2 shows the population distribution in the Township for 2000 by five-year age increments. The configuration is typical of growing suburban areas.

Figure II-2: Age Distribution



# COMPREHENSIVE LAND USE and GROWTH PLAN

## II EXISTING CONDITIONS ANALYSIS

### *HOUSING*

From 1990 to 2000 the number of housing units in Millcreek Township increased from 301 to 459 respectively. In 2000 92.2 percent of the housing units were owner occupied and the homeowner vacancy rate was only 0.5 percent. The average household size of owner-occupied units is 2.74 persons per household while the average household size of renter-occupied units is 2.86 persons. The median value of owner-occupied units was \$160,700

In 2000 slightly over 98 percent of the housing was single-unit, detached while the remaining housing was single-unit attached. Since the 2000 Census, no housing of two units or higher has been constructed.

Approximately 34.4 percent of the housing stock that existed in 2000 was constructed during the 1990's. 34.6 percent of the housing stock was constructed between 1970 and 1989 while just 16.1 percent was constructed earlier than 1940.

In the last ten years there has been a large influx of new residents into the Township. As shown on Table II-4 approximately 67.4 percent of the occupied housing units in the Township contain residents who moved in between 1990 and March 2000.

Table II-4: Year householder moved into unit

Year Household Moved into Unit	Percent of Occupied Housing Units
1999 to March 2000	16.3%
1995 to 1998	28.2%
1990 to 1994	22.9%
1980 to 1989	22.0%
1970 to 1979	6.8%
1969 or earlier	3.7%

In the 2000 Census, approximately 56.9 percent of the population five years and over reported living in the same house in 1995 while 43.1 percent lived in a different house. Of the 499 persons five years and over who lived in a different house in 1995, 79.4 percent lived in a different county. Of the 396 persons five years and over who lived in a different house in 1995 and in a different county, 49 percent were from a different state. This in-migration thus seems to be coming nearly equally from other counties in Ohio as from outside of Ohio.

### *ECONOMIC CHARACTERISTICS*

In 2000 approximately 81.6 percent of the population was in the labor force. This figure is based on the population sixteen years of age and over. Only 1.6 percent of those in the labor force were classified as unemployed. The Census tracks employment in two fashions: first by the occupation of the worker (related to their actual work functions) and also by industry (related to the main activity of the employer). Thus, a

# COMPREHENSIVE LAND USE and GROWTH PLAN

## II EXISTING CONDITIONS ANALYSIS

bookkeeper may be listed as an Office and administrative support Occupation – but may be employed in any number of Industries.

### Occupation

The U.S. Census classifies the occupation of the employed civilian population 16 years and over into six broad categories. Occupation describes the kind of work the person does on the job during the week. For those who worked at two or more jobs, the data refer to the job at which the person worked the greatest number of hours. Table II-5 provides the year 2000 occupational data for individuals in Millcreek Township.

Table II-5:– Occupation

Occupation	Percent of Employed Civilian Population
Management, professional, and related occupations * Includes Farmers & Farm Managers	28.6% * 1.7%
Service occupations	13.5%
Sales and office occupations	25.1%
Farming, fishing, and forestry occupations	0.0%
Construction, extraction, and maintenance occupations	15.0%
Production, transportation, and material moving occupations	17.9%

### Industry

Information on industry relates to the kind of business conducted by a person's employing organization. For employed people the data refer to the person's job during the week. For those who worked at two or more jobs, the data refer to the job at which the person worked the greatest number of hours.

The industry classifications in Table II-6 are the same broad industry classifications found in the North American Industry Classification System (NAICS). In the U.S. the NAICS replaces the Standard Industrial Classification (SIC) system. Detailed descriptions of what types of businesses are included in each industry sector can be obtained from the U.S. Census Bureau. Table II-6 provides 2000 industry data for the employed civilian population 16 years and over in Millcreek Township.

Although farming as an activity is still important to Millcreek Township, the numbers of persons engaged as farmers or working for farmers may seem underrepresented because of primary employment in other sectors, or due to Census counting errors.

# COMPREHENSIVE LAND USE and GROWTH PLAN

## II EXISTING CONDITIONS ANALYSIS

Table II-6: Employment by Industry

Industry	Percent of Employed Civilian Population
Agriculture, forestry, fishing and hunting, and mining	3.0%
Construction	9.1%
Manufacturing	17.4%
Wholesale trade	6.6%
Retail trade	14.7%
Transportation and warehousing, and utilities	3.6%
Information	4.9%
Finance, insurance, real estate, and rental and leasing	3.4%
Professional, scientific, management, administrative, and waste management services	8.9%
Educational, health and social services	13.9%
Arts, entertainment, recreation, accommodation and food service	4.0%
Other services (except public administration)	10.4%
Public administration	0.0%

### Household and Family Income

The U.S. Census provides income information on both households and families. A household includes all the people who occupy a housing unit as their usual place of residence. A family is defined as a group of two or more people who reside together and who are related by birth, marriage, or adoption.

Approximately 93.4 percent of the households reported earnings in 2000. 18.3 percent of the households had retirement income with the mean of \$11,665. The median household income was \$69,300 in Millcreek Township – higher than Union County’s median household income of \$51,743.

The median family income was 75,901 with approximately 7 percent of the families reporting an income of \$150,000 or more per year. In 2000 there were 397 families in Millcreek Township. Of the families in Millcreek Township, 4.3% were below poverty level.

# COMPREHENSIVE LAND USE and GROWTH PLAN

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## II EXISTING CONDITIONS ANALYSIS

### ENVIRONMENTAL CONDITIONS

#### STREAMS

There are natural features, significant because of their small number, including streams, wetlands, and woodlands that make an important contribution to the quality of life in the community. Retention of these natural resources is of primary importance to many residents.

By definition, a stream is a body of running water that is confined in a channel and moves downhill under the influence of gravity. In some parts of the county, stream implies size: rivers are large, streams somewhat smaller, and brooks and creeks even smaller. Geologists, however, use *stream* for any body of running water, from a small trickle to a huge river.

In terms of development, these features provide both constraints and opportunities. Natural features have a significant influence on future land use patterns for the community in conjunction with other factors such as existing land use, infrastructure, market factors, transportation and community regulations.

Millcreek is the only occurring stream in the Township. Perennial streams have flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Alteration to the fragile natural features needs to be carefully considered to minimize impact and insure mitigation where necessary to maintain the natural balance. Not doing so will alter the system and possibility result in such things as increased erosion and sedimentation, decreased ground water recharge and increased surface runoff to the local streams. To ensure that future development is compatible with the natural features of the community, all new developments need to make every effort to maintain the natural functions of the environment.

A system of intermittent streams also crosses the Township, as shown by the dashed lines on Figure II-3. An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

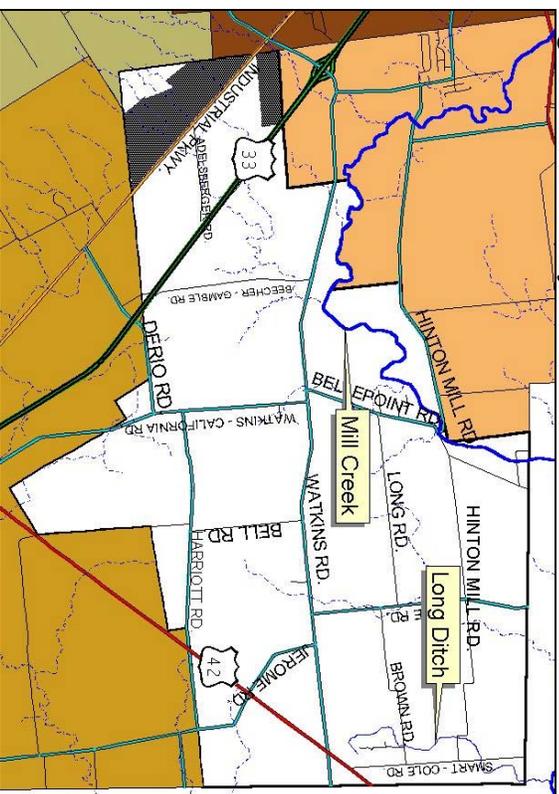
The following is an overview of some of the major natural features that are prevalent in the study area. As development occurs, the following features should be considered in addition to other site specific conditions that may be pertinent to each individual location.

In order to improve the drainage of the soils, agricultural ditches were also constructed throughout the County. Long Ditch is located in northeastern Millcreek Township and flows north, draining into Millcreek.

The stream system of Millcreek Township is shown on Figure II-3 on the following page.

II EXISTING CONDITIONS ANALYSIS

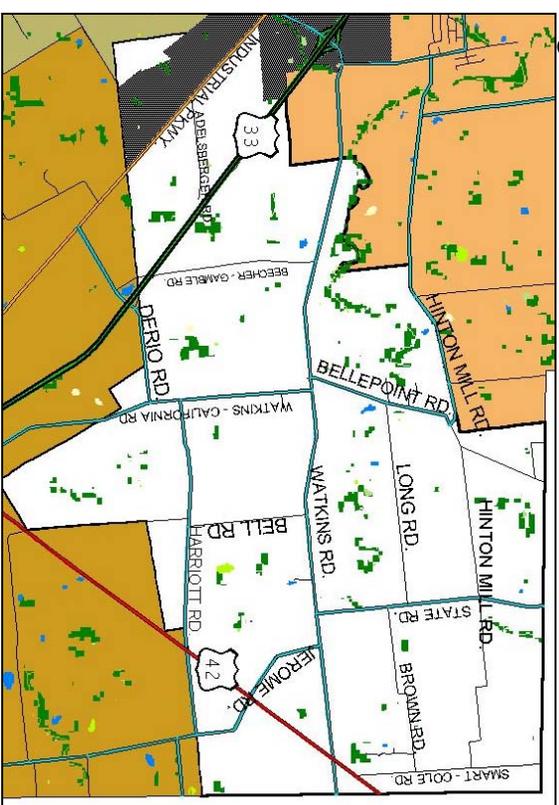
Figure II-3: Stream system



WETLANDS

By definition wetlands are lands that are wet for significant periods during the year that typically create anaerobic (i.e. low oxygen) conditions favoring the growth of hydrophytic plants and the formation of hydric soils. Wetlands are transitional areas between the aquatic ecosystems and the surrounding upland areas. Wetlands are important natural resources providing numerous values to society, including fish and wildlife habitat, flood protection, erosion control, and water quality maintenance. Figure II-3 shows the approximate location of wetlands in Millcreek Township.

Figure II-4: Wetlands



WOODLANDS

As shown in the dark green areas on Figure II-4, a significant amount of the Township’s woodlands are located along Millcreek creating a forest buffer. Riparian forest buffers are important for several reasons. They filter pollutants from surface runoff, stabilize stream banks, reduce flood flow velocities, regulate water temperature, provide essential habitat for terrestrial organisms, allow for groundwater infiltration, and provide a basis for the aquatic food chain.<sup>1</sup>

Other woodlands are scattered throughout the community. Woodlands contribute to the quality of life for residents. Woodlands and trees help create a peaceful, rural atmosphere.

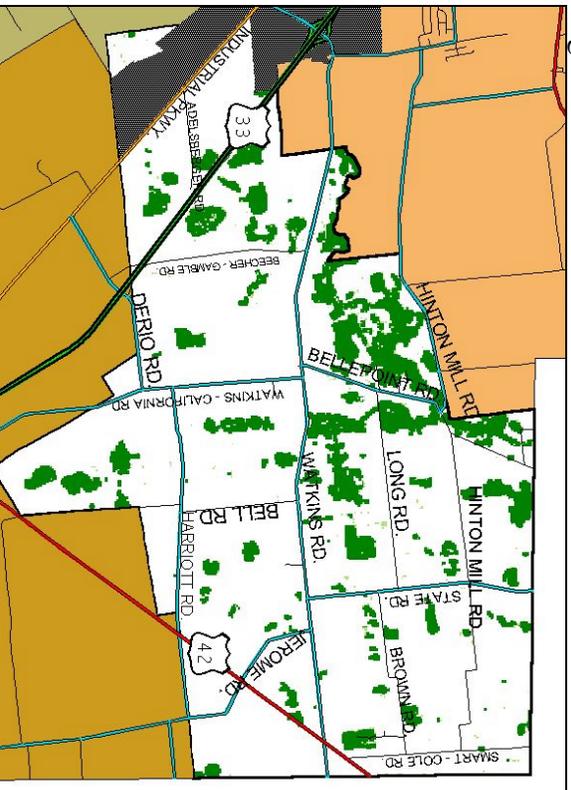
<sup>1</sup> Ohio Department of Natural Resources

# COMPREHENSIVE LAND USE and GROWTH PLAN

## II EXISTING CONDITIONS ANALYSIS

Trees provide a visual barrier between individual properties and neighboring properties, an essential factor for preserving the rural atmosphere and property values.

Figure II-5: Woodlands



### SOILS

The Union County Soil Survey provides detailed information on the nature and behavioral characteristics of soil including productivity, development suitability, and permeability.

#### Prime farmland

According to the U.S. Department of Agriculture, prime farmland is land that has the best combination of physical and

chemical characteristics for producing feed, feed, forage, fiber, and oilseed crops and is available for these uses. The following are considered prime farmland by the U.S. Department of Agriculture:

Ag	CrA	Pm*
BoA	CrB	Ro*
BoB	Lc*	So
Bs*	MrB	Wc*
CeB	Oda*	We

*\*Soils with a crop yield index of 95 or higher.*

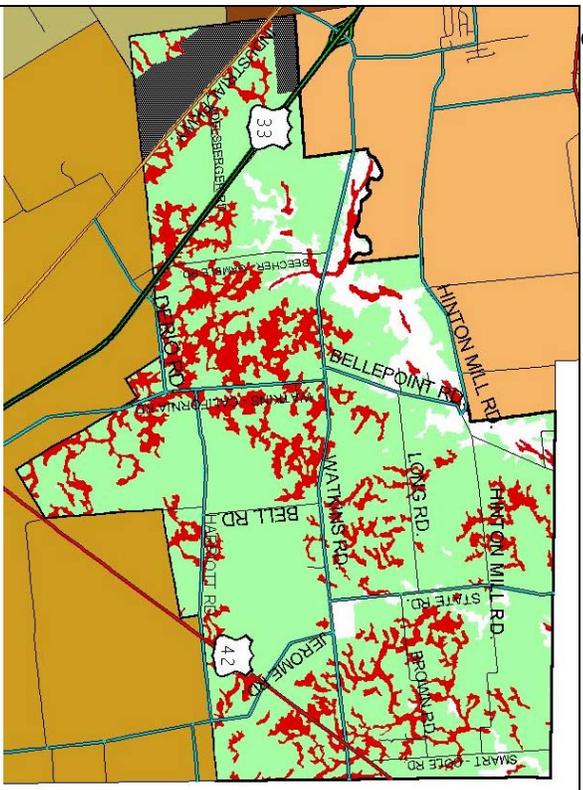
In Figure II-6 prime farmland areas are shown in light green and red. The red areas are the most productive of the prime farmland soils. These soils have a crop yield index for corn, soybeans, and wheat of 95 or higher based on a scale of 0 to 100.

The majority of land within Millcreek Township is classified as prime farmland. A significant concentration of highly productive soils is located south of Watkins Road between Beecher-Gamble Road and Watkins-California Road.

# COMPREHENSIVE LAND USE and GROWTH PLAN

## II EXISTING CONDITIONS ANALYSIS

Figure II-6: Prime farmland



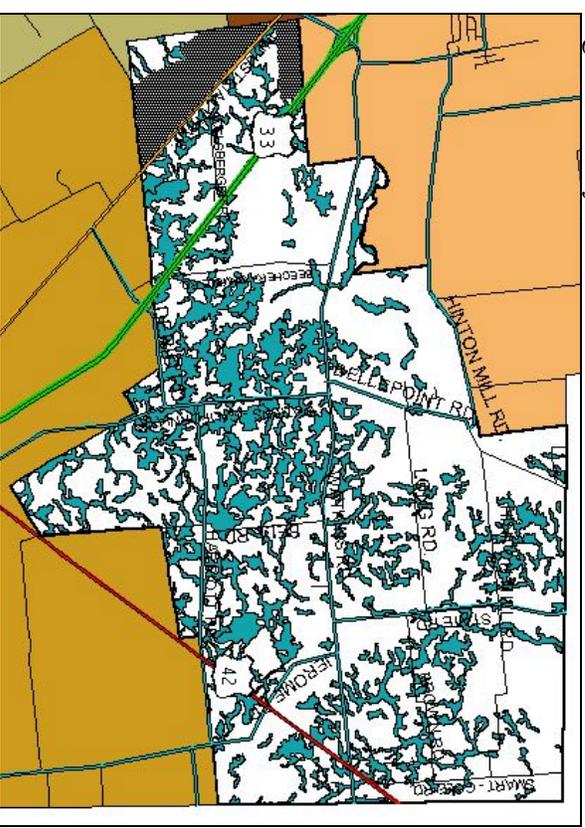
### Hydric soils

By definition, hydric soils are soils that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part. The concept of hydric soils includes soils developed under sufficiently wet conditions to support the growth and regeneration of hydrophytic vegetation. Soils that are sufficiently wet because of artificial measures are included in the concept of hydric soils. Also, soils in which the hydrology has been artificially modified are hydric if the soil, in an unaltered state, was hydric. Some series, designated as hydric, have phases that are not hydric depending on water table, flooding, and ponding characteristics. The following soils are classified as hydric:

- Bs
- Lc
- Mn
- Mu
- Pa
- Pm
- So
- Wc
- We

Note the strong correlation between prime farmland areas and areas of hydric soils.

Figure II-7: Hydric soils



# COMPREHENSIVE LAND USE and GROWTH PLAN

## II EXISTING CONDITIONS ANALYSIS

### Development limitations

Based on information contained in the Soil Survey, Ohio Department of Natural Resources created a classification system regarding the suitability of land for large-scale development. Factors that are used in this assessment include the degree of permeability of soil (speed of water absorption), the degree to which soil holds moisture, as seen in the hydric soils seen above, the steepness of any slopes found in combination with various soil types, and the soil types.

As shown of Figure II-8, a large portion of the Township has severe large scale development limitations, largely corresponding with the hydric soils map in Figure II-7.

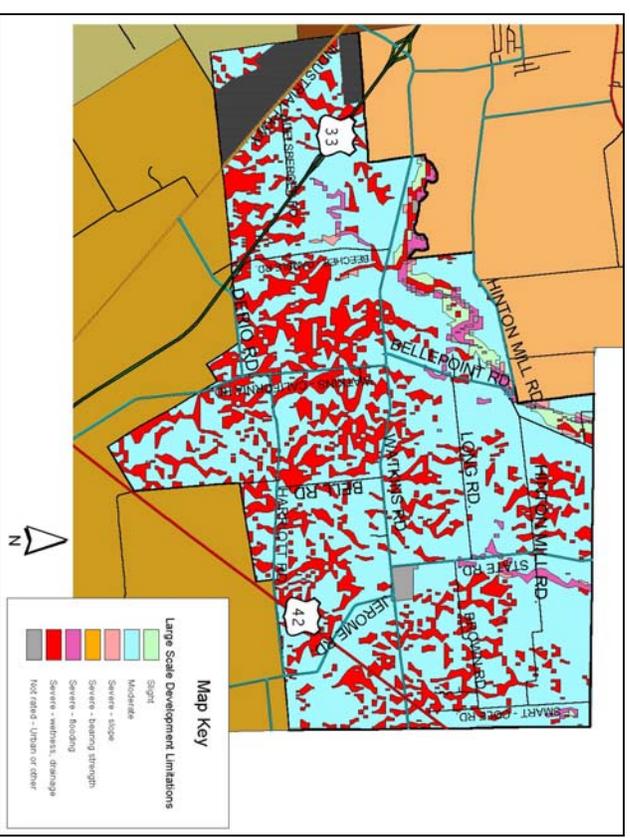
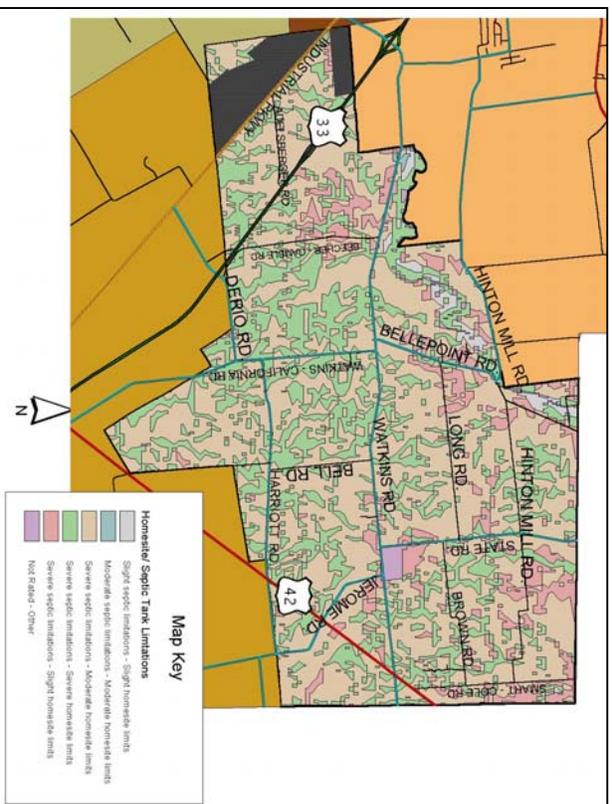


Figure II-8: Large scale development limitations

# COMPREHENSIVE LAND USE and GROWTH PLAN

## II EXISTING CONDITIONS ANALYSIS

Figure II-9: Home Site/Septic Tank Limitations



While a large portion of the Township has severe large-scale development limitations most of the rest has only moderate large-scale development limitations and moderate home site limitations. A major factor in the evaluation of home site limitations is the suitability for private septic systems, as opposed to public sewer. The majority of the Township has moderate or severe septic limitations, see Figure II-9. Currently none of the Township is served by public sewer. However, as the City of Marysville completes the planned new wastewater treatment facility and service lines the Township will have access to the sewer utility.

# COMPREHENSIVE LAND USE and GROWTH PLAN

## II EXISTING CONDITIONS ANALYSIS

### INFRASTRUCTURE

Infrastructure can be broadly defined as the facilities and services needed to sustain all land use activities, including water, sewer lines, and other utilities, streets and roads, communication systems, and public facilities such as fire stations, parks, and schools. The following discussion will focus on public facilities and services, utilities, and the road network.

### *PUBLIC FACILITIES AND SERVICES*

#### Township facilities and services

The Township hall is located at 10181 Watkins Road as shown in red on Figure II-10. The Township's park is located adjacent to the Township hall. The Township cemetery is located on the eastern side of Watkins-California Road, as shown in blue on Figure II-10. An older cemetery, no longer in use lies in the northeastern portion of the Township, off Smart-Cole Road.



Figure II-10: Location of Township hall and cemetery

Currently the Township contracts with both Jerome Township and the City of Marysville for fire and EMS services. Jerome Township provides services to the southern portion of the Township and the City of Marysville provides services to the north. Police protection is provided by the Union County Sheriff's Office. The Township actively participates in the Sheriff's Public Safety Officer Program.

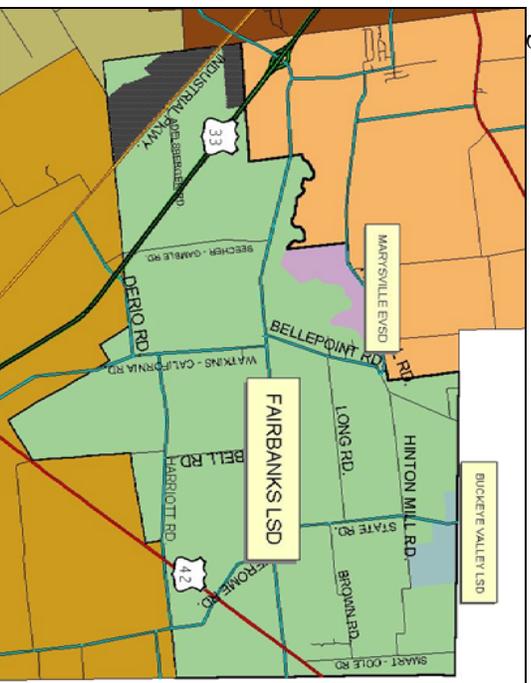
#### School districts

There are three school districts in Millcreek Township: Fairbanks Local School District, Buckeye Valley Local School District, and Marysville Exempted Village School District, see Figure II-11 below. There are no operating school buildings within the Township.

# COMPREHENSIVE LAND USE and GROWTH PLAN

## II EXISTING CONDITIONS ANALYSIS

Figure II-11 – School Districts



### UTILITIES

No central utilities service is currently available in Millcreek Township. However, the City of Marysville as well as Union County has the ability to provide services to Millcreek Township in the future. Currently both water and sewer lines are located along Industrial Parkway. In a recent agreement, Marysville will assume all operations and become the sole provider of water and sewer to much of the Township.

The County is served by nine different electric power distributors. Four of these serve Millcreek Township. A map of their territories appears at the end of this section. There is no natural gas service available in the Township at present.

Many more recently built homes are equipped with geothermal heating systems.

### ROAD NETWORK

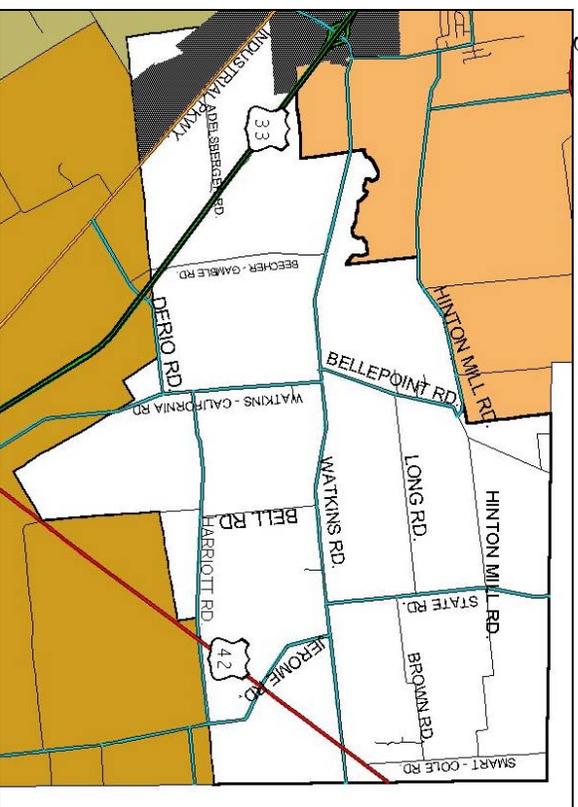
The road network of the Township is comprised of a series of state, county and township roads. The only roads in the Township that are maintained by the Township are Thompson Road, Shields Road, Adelsberger Road, and a small portion of Jacobs Lane. The State of Ohio maintains US Routes 33 and 42. The County maintains all other roads. Currently the Township does not maintain a road crew. Instead the Township contracts with Union County to provide all road maintenance and snow removal. Figure II-12 illustrates the Township road network.

### Functional classification

The road network is based on a hierarchy or functional classification. Streets and highways do not operate independently. They are part of an interconnected network, and each one performs a service in moving traffic throughout the system. Generally, streets and highways perform two types of service. They provide either traffic mobility or land access and can be ranked in terms of the proportion of service they perform.

## II EXISTING CONDITIONS ANALYSIS

Figure II-12 –Road Network



The criteria used to describe each class of road must apply to a wide range of conditions in which the road operates such as geography, population density, traffic volumes, spacing, and distance and speed of travel.

At the top of the hierarchy are arterials. They include those classes of roads emphasizing a high level of mobility for the through movement of traffic. Land access is subordinate to this primary function. Generally, travel speeds and distances are greater on these facilities compared to the other classes. The highest classes of arterials, Interstates and freeways, are limited access to allow the free flow of traffic. There are three arterials in the Township. US Route 33 is classified as a highway; US

Route 42 as a rural arterial; and Industrial Parkway as an urban arterial.

In the middle of the hierarchy are the collectors. They collect traffic from the lower facilities and distribute it to the higher. Collectors provide both mobility and land access. Generally, trip lengths, speeds, and volumes are moderate. Derio Road, Watkins-California Road, Harriott Road, Watkins Road, State Road, Bellepoint Road from Watking Road to the intersection with Hinton Mill Road, and Hinton Mill Road west of the intersection with Bellepoint Road are all classified as collectors.

At the bottom of the hierarchy are local streets and roads. Their primary function is to provide land access. Travel speeds, distances, and volumes are generally low, and through traffic is usually discouraged. The County Engineer and the County Subdivision Regulations use the term “streets” to refer to streets within a major subdivision, and the term “roads” to refer to roads that are not within a major subdivision. All other roads in the study area would be classified as a local street.

### Access management

January of 2004 the Union County Engineer adopted access management regulations that will apply to all county and township roads. The purpose of these regulations are to promote traffic safety and efficiency, maintain proper traffic capacity and traffic flow, reduce vehicular accident frequency, minimize the future expenditure of public revenues, and improve the design and location of access connections to

# COMPREHENSIVE LAND USE and GROWTH PLAN

## II EXISTING CONDITIONS ANALYSIS

county and township roads while at the same time providing necessary and reasonable ingress and egress to properties along those roads.<sup>2</sup>

The access management regulations are based on the classification of the roadway as defined by the County Engineer. US Route 33 is classified as a major arterial; US 42 as a minor arterial; and Industrial Parkway as a major collector. Watkins Road is classified as a minor collector for local purposes but a major collector for federal aid purposes. Bellepoint Road and Jerome Road are classified as minor collectors. State Road, Harriot Road, Derio Road, and Watkins-California Road are classified as minor collectors but will be considered local roads for federal aid purposes. A map of the Union County road classifications is located in the Appendix.

Table II-7: outlines the required spacing for new driveways based on the access management regulations. In addition to driveway spacing requirements, the number of driveways per parcel will also be limited.

Table II-7

Road Classification	Required Driveway Spacing
Major arterial	495 feet*
Minor arterial	495 feet*
Major collector	495 feet
Minor collector	360 feet
Local road	250 feet

\*Ohio Department of Transportation standard

<sup>2</sup> County Access Management Regulations

### Road improvements

At the time of first writing the County Engineer indicated no major roadway improvements were planned for Millcreek Township within the next five years. More recently his office indicates that they are putting together a Future Roads Plan for portions of Millcreek Township. It is advisable to refer to the County Engineer's Capital Improvements Plan for periodic updates.

The most recent Union County Comprehensive Plan shows the future connection of Derio Road to Harriot Road, as shown on Figure II-13 below. The exact alignment of the road has not yet been determined.

Figure II-13: Proposed road improvements



# COMPREHENSIVE LAND USE and GROWTH PLAN

## II EXISTING CONDITIONS ANALYSIS

### LAND USE

The majority of land within Millcreek Township is in agricultural use with residential development scattered along the road frontage, mainly north of Watkins Road. A large quarrying operation is located at the intersection of Watkins Road, Jerome Road, and State Road. The company also operates on the south side of Watkins Road west of Jerome Road. Figure II- 15 below illustrates the existing land use pattern based on the Union County Auditor’s classification system. Agricultural areas are shown in green while residential development is shown in yellow. Manufacturing/light industrial is shown in gray, commercial in red, and public/quasi-public uses in purple.

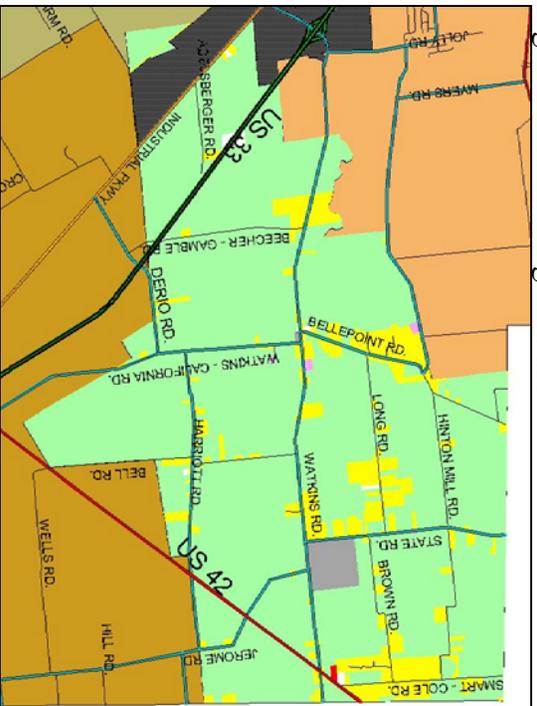


Figure II-15: Existing land use

### Zoning

Zoning refers to the division of the Township into areas or zones which specify allowable uses for real property and size restrictions for buildings within these areas as well as other supplementary standards such as those regulating signage, landscaping, and lighting. Figure II-16 is the current zoning map for Millcreek Township. Along Industrial Parkway a large portion of land is zoned manufacturing. However, this land is currently being used for agriculture. There is also a portion of land along US 42 and Jerome Road that is zoned for business use but is also undeveloped.

As shown in Table I-8 below, the majority of land within Millcreek Township is zoned U-1. Agricultural uses are permitted in all classifications and cannot be regulated by the local zoning code<sup>3</sup>. Residential uses are permitted in both U-1 and R-1. Business uses are permitted in B-2 and M-2. Manufacturing and light industrial uses are permitted in M-2.

Table II-8: Percent of Land in Current Zoning Categories

Zoning Classification	Percentage of Land in Classification
U-1	85.4%
R-1	4.9%
B-2	2.1%
M-2	7.6%

<sup>3</sup> Ohio Revised Code Section 519.21

# COMPREHENSIVE LAND USE and GROWTH PLAN

## II EXISTING CONDITIONS ANALYSIS

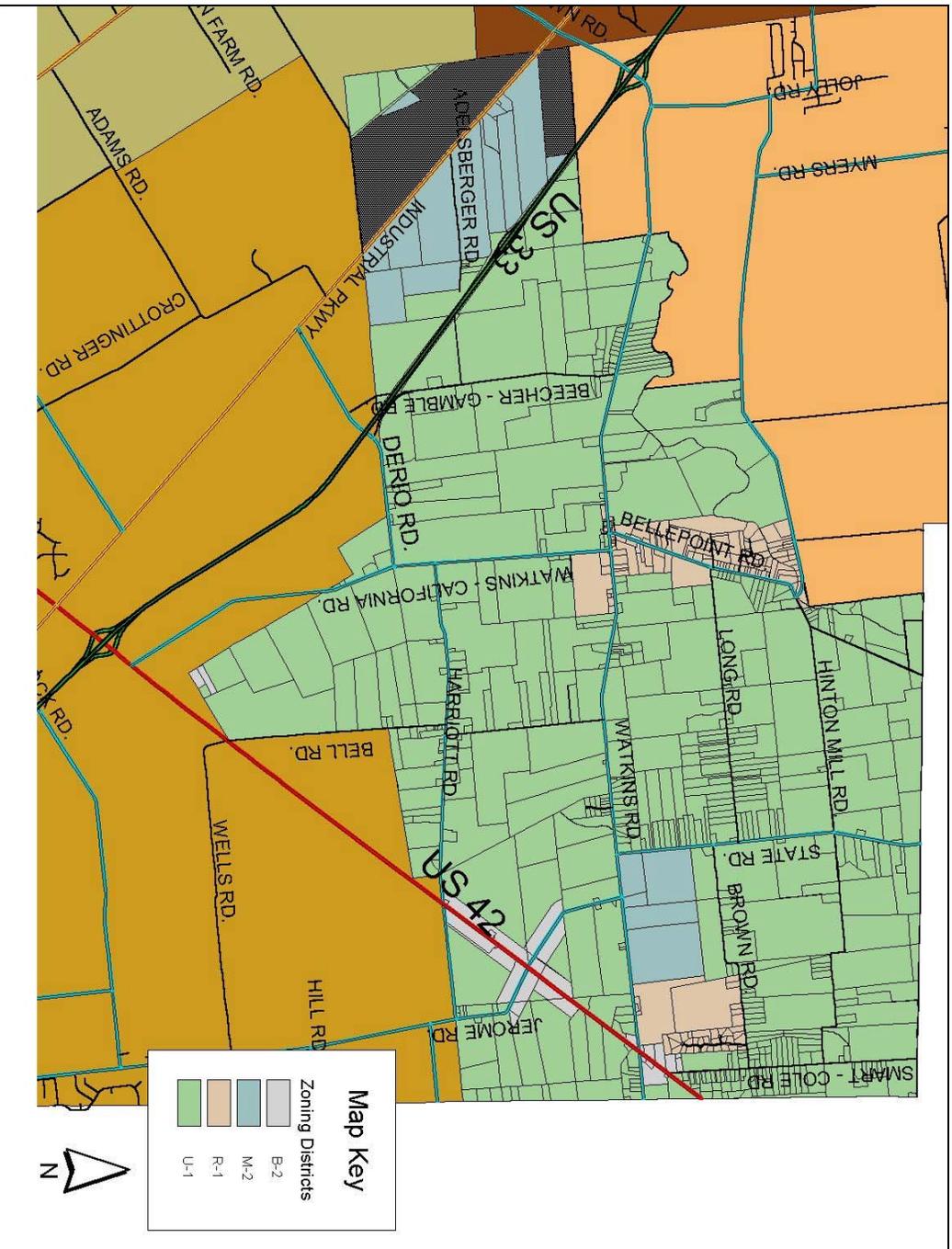


Figure II-16: Zoning Map at Plan Process Start : May, 2004

# EXISTING CONDITIONS ANALYSIS

Insert Maps of Surrounding Plans

Jerome

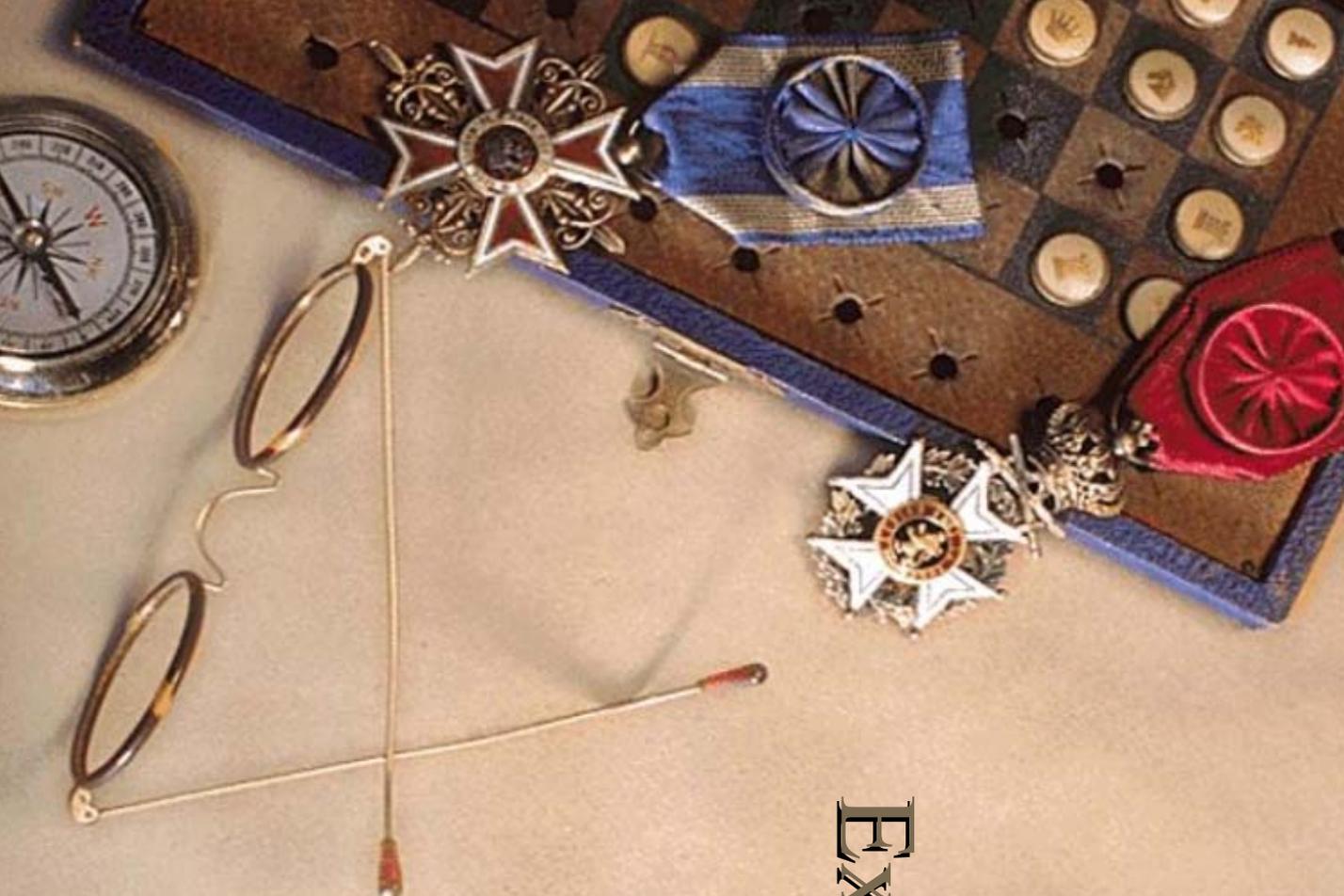
Dublin

Darby Twp

Electric Distribution

School Districts

Darby Creek Watershed



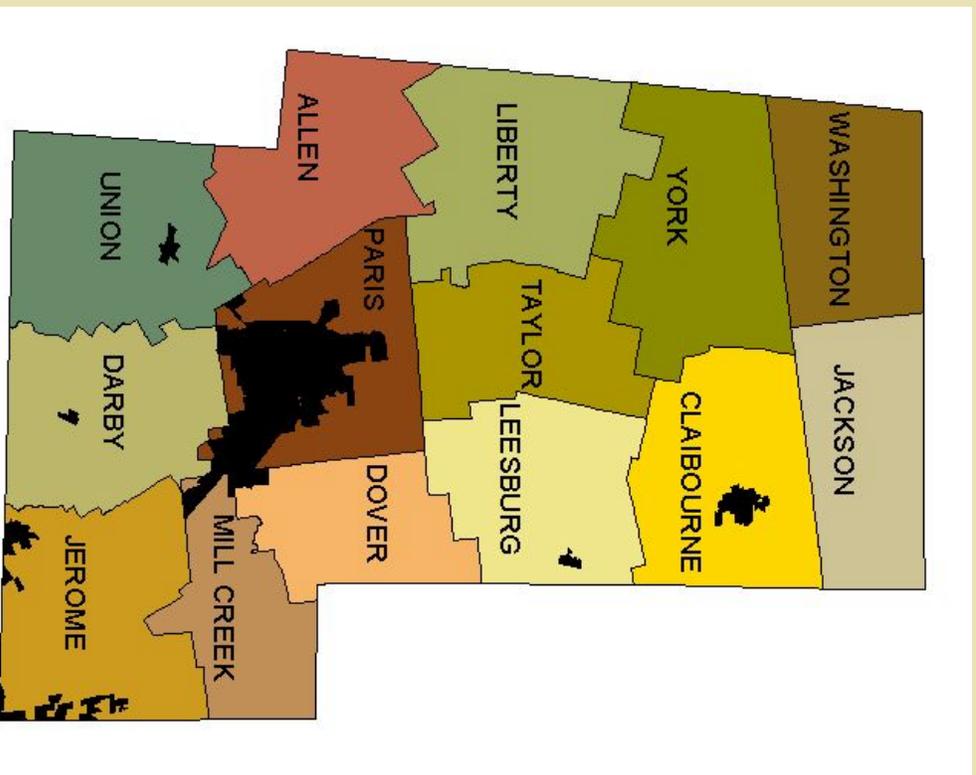
# Existing Conditions:

## A Survey of Millcreek Township

By Burns, Bertsch & Harris, Inc.

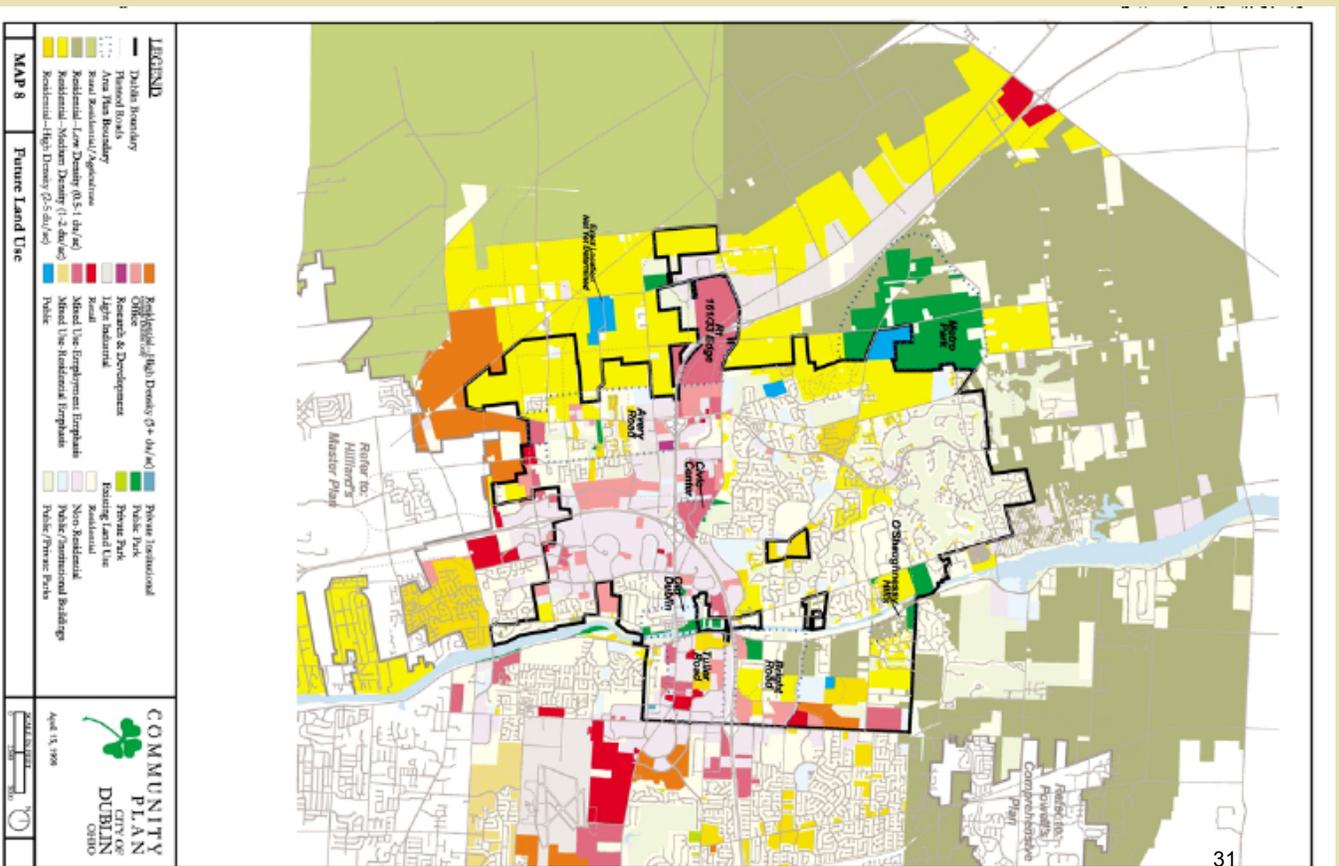


# Shared borders with many jurisdictions

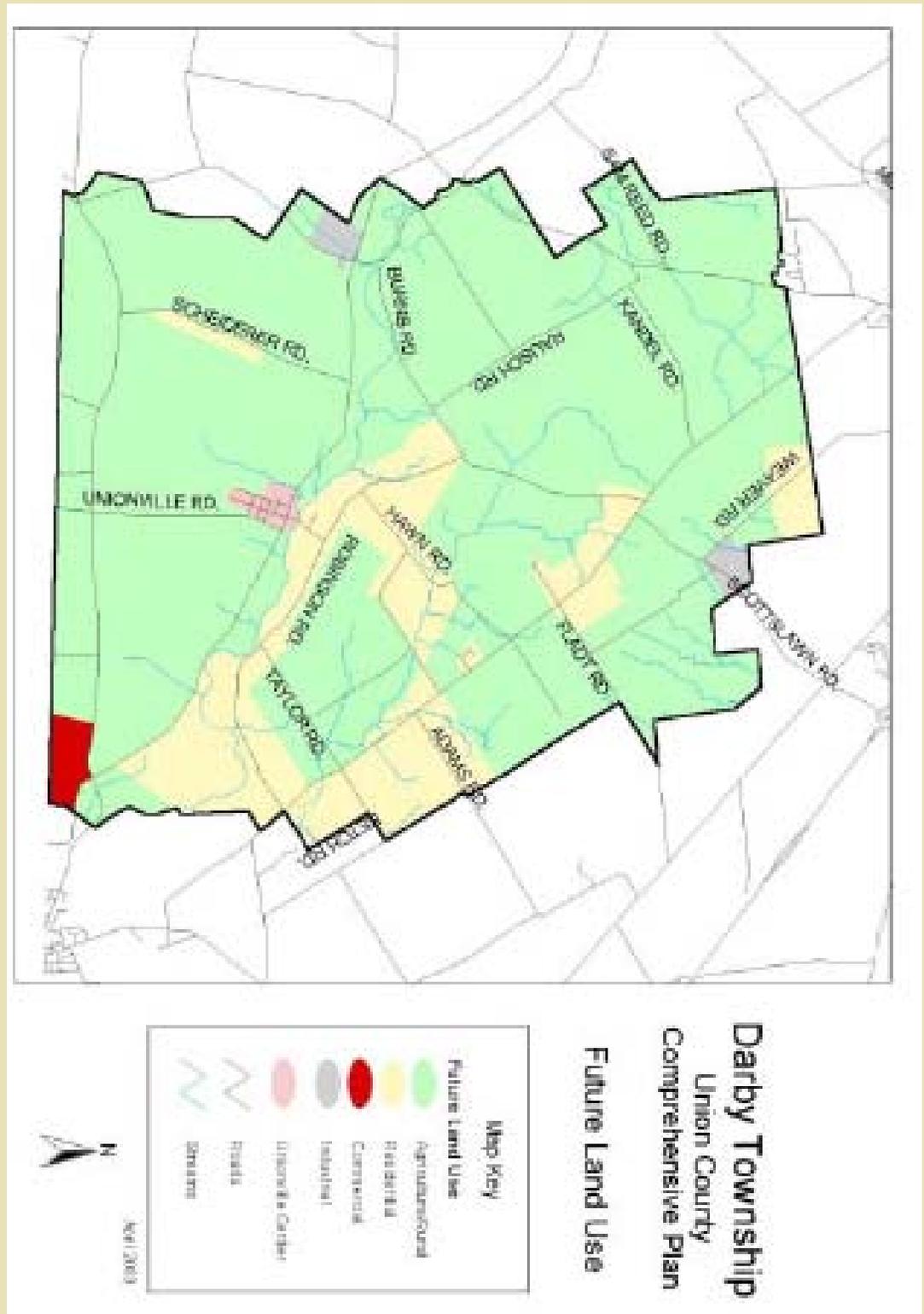




# Dublin FLU



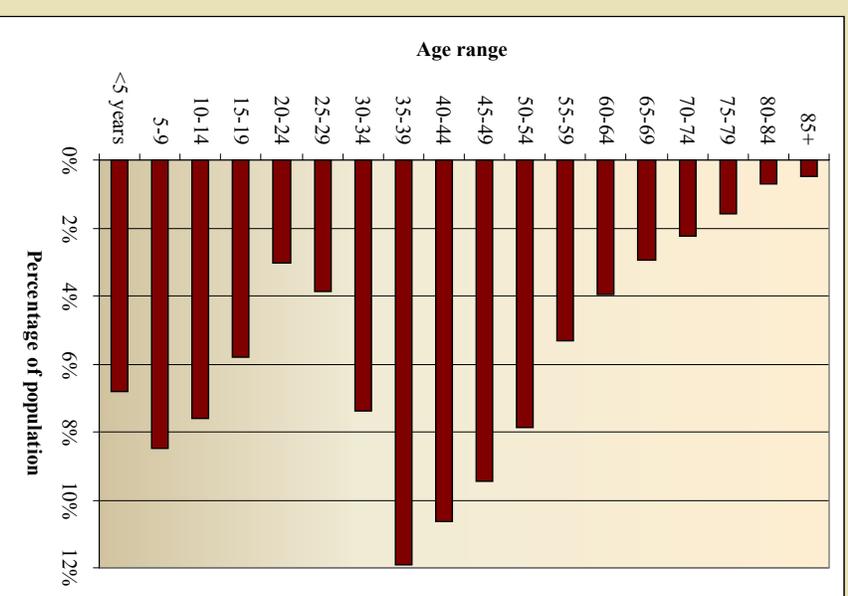
# Darby Township Proposed





# Millcreek Residents:

- ◆ Median age 38.2 years old
- ◆ Most live in family groups
- ◆ Few young adult householders: age 20-30
- ◆ Approx. 1/4 of hhlds moved from another county in Ohio
- ◆ Approx. 1/4 of hhlds moved from another State
- ◆ 18.3 % Retired



# Millcreek Residents:

- ◆ **Relatively high income**
- ◆ **Prevalent occupations: Management/professional Sales and office Production/logistics and transportation**
- ◆ **Prevalent industries: Manufacturing Retail Services (Edu. Health Social)**

Management, professional, and related occupations	28.6%
Service occupations	13.5%
Sales and office occupations	25.1%
Farming, fishing, and forestry occupations	0.0%
Construction, extraction, and maintenance occupations	15.0%
Production, transportation, and material moving occupations	17.9%

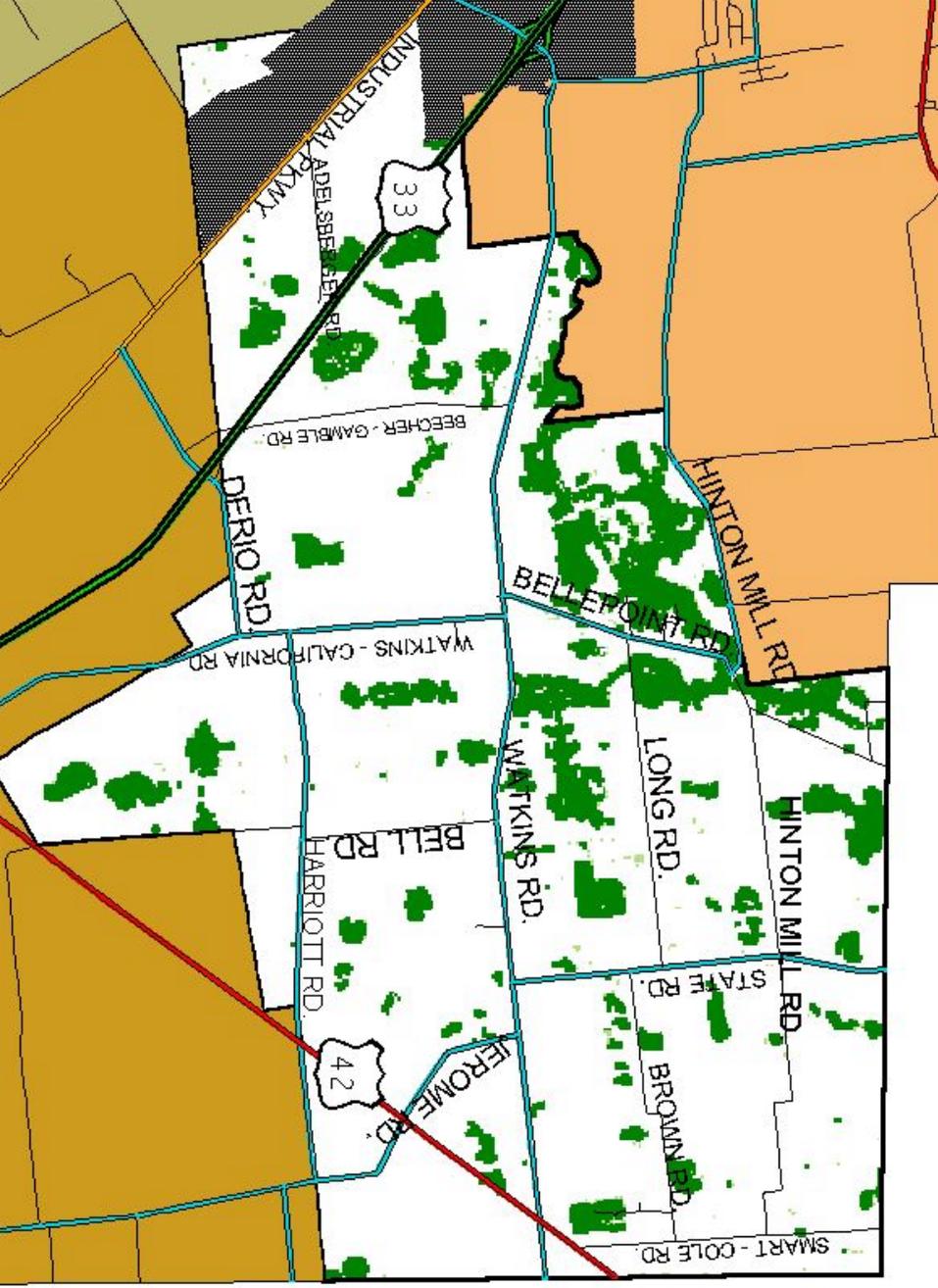
# Millcreek Homes:

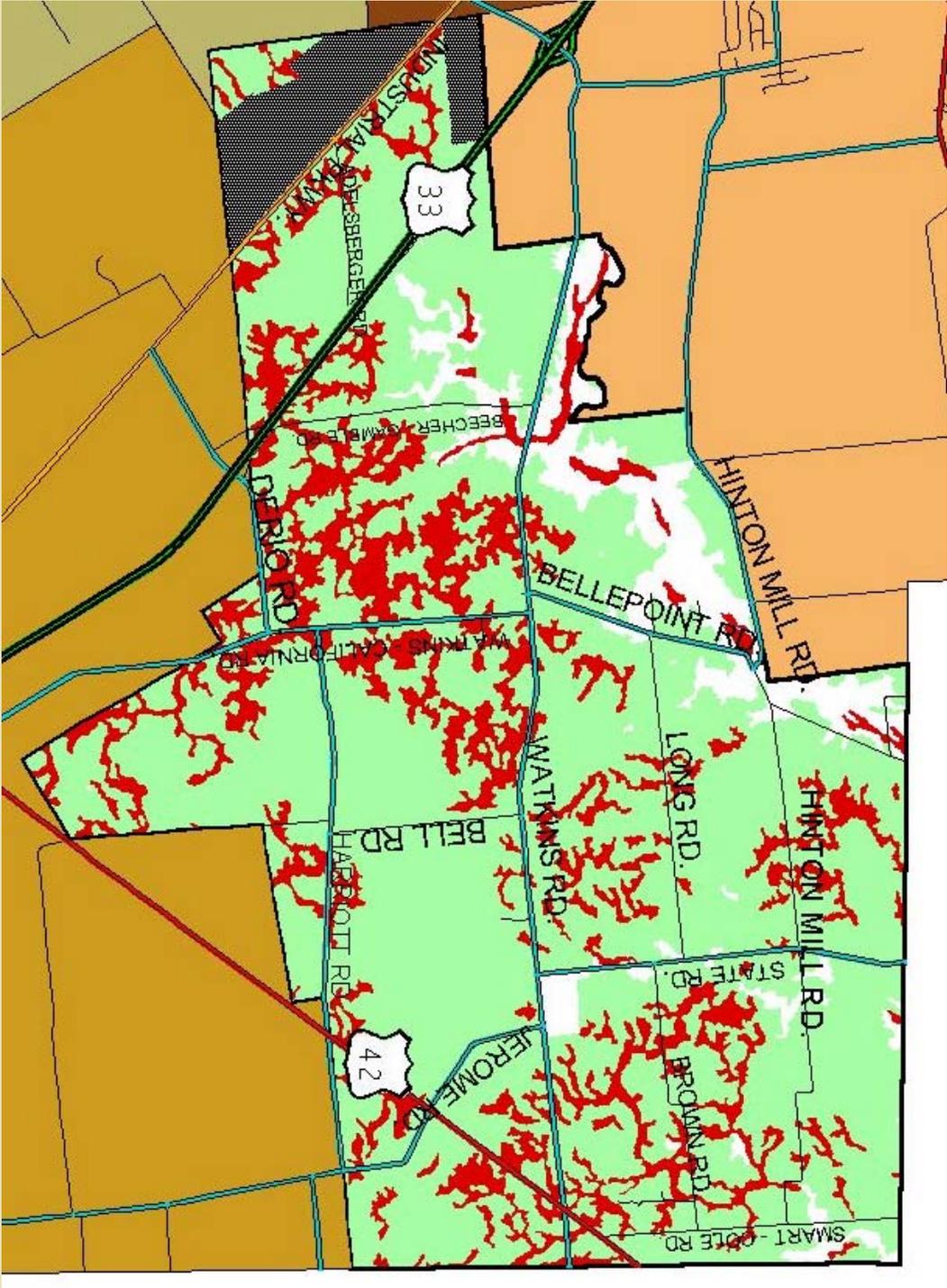
- ◆ Median value: \$160,700
- ◆ Mostly owner occupied / SF
- ◆ Low vacancy rates
- ◆ Growth projections range from 531-659 by 2010/ and 676-1020 by 2020





# The Land & Environment Woodlands

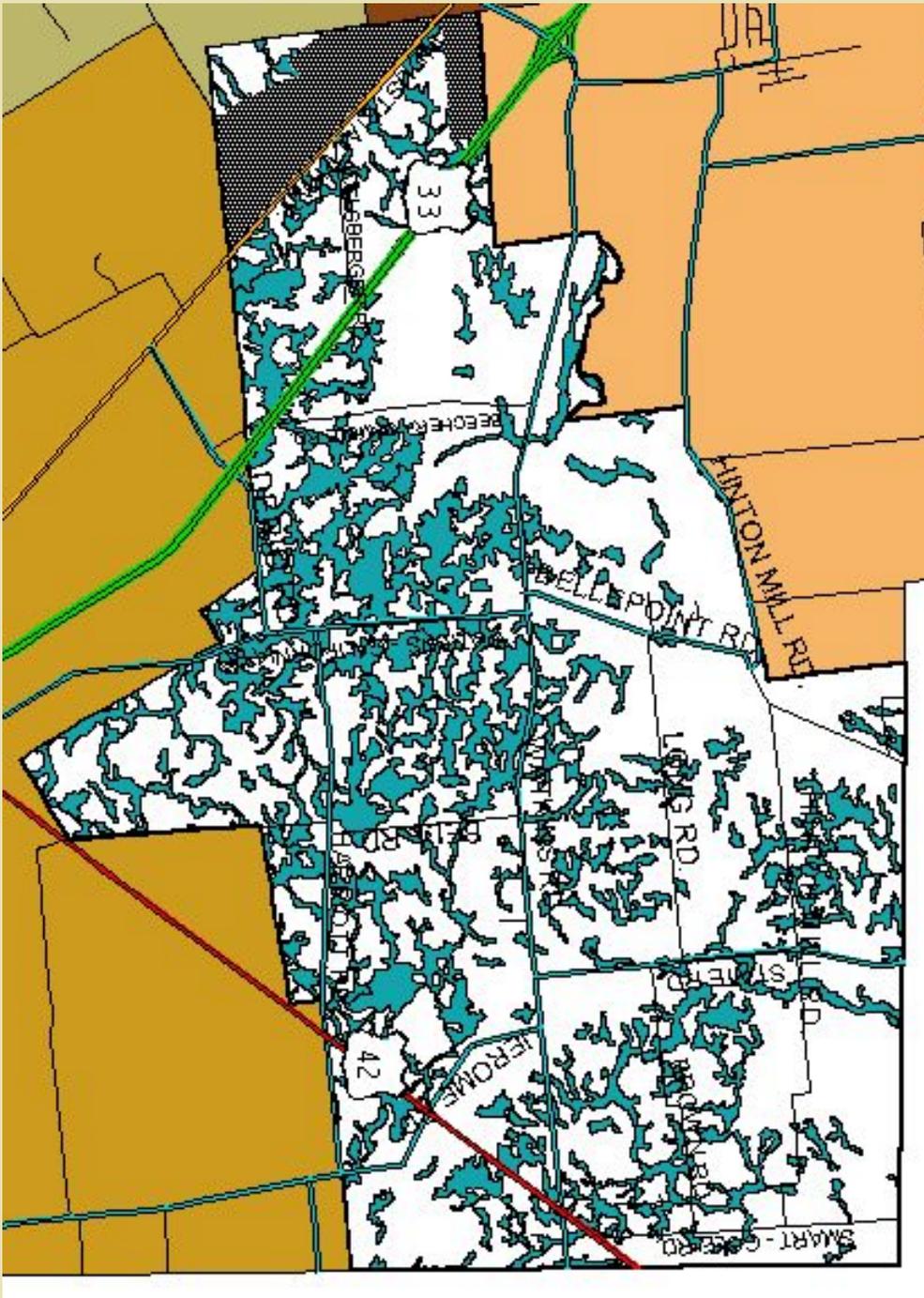




# Prime Farmland

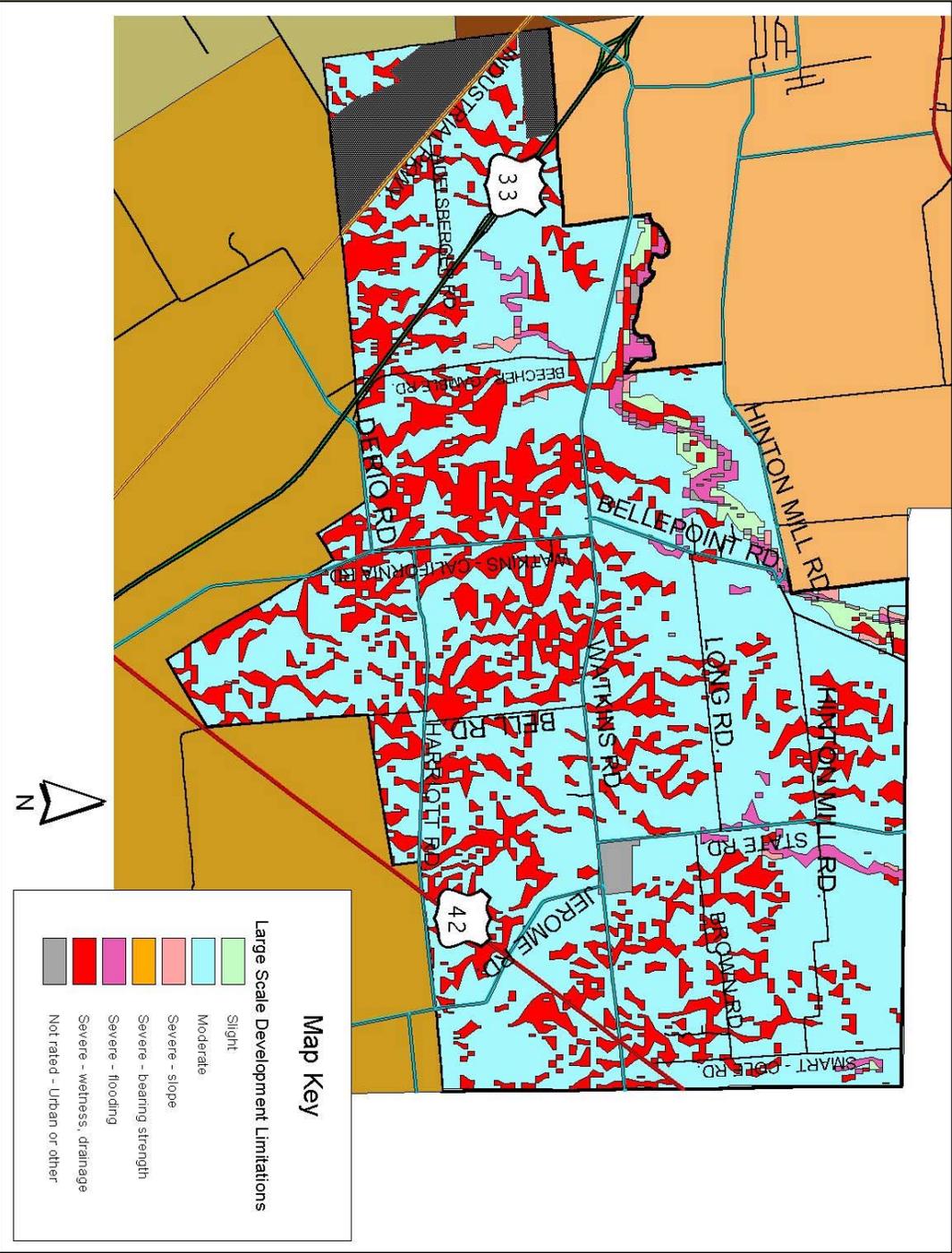


# Hydric Soils



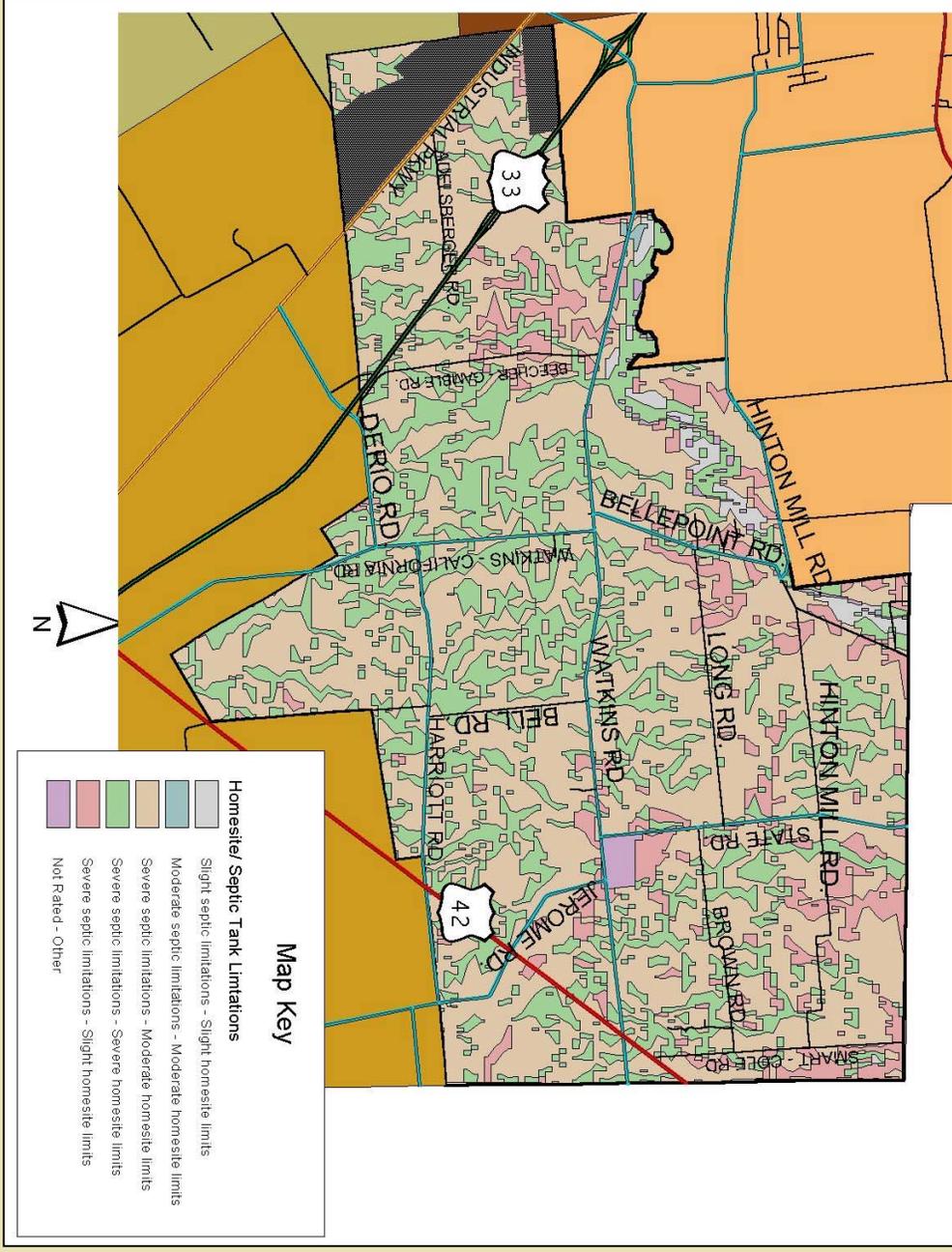


# Development Limitations



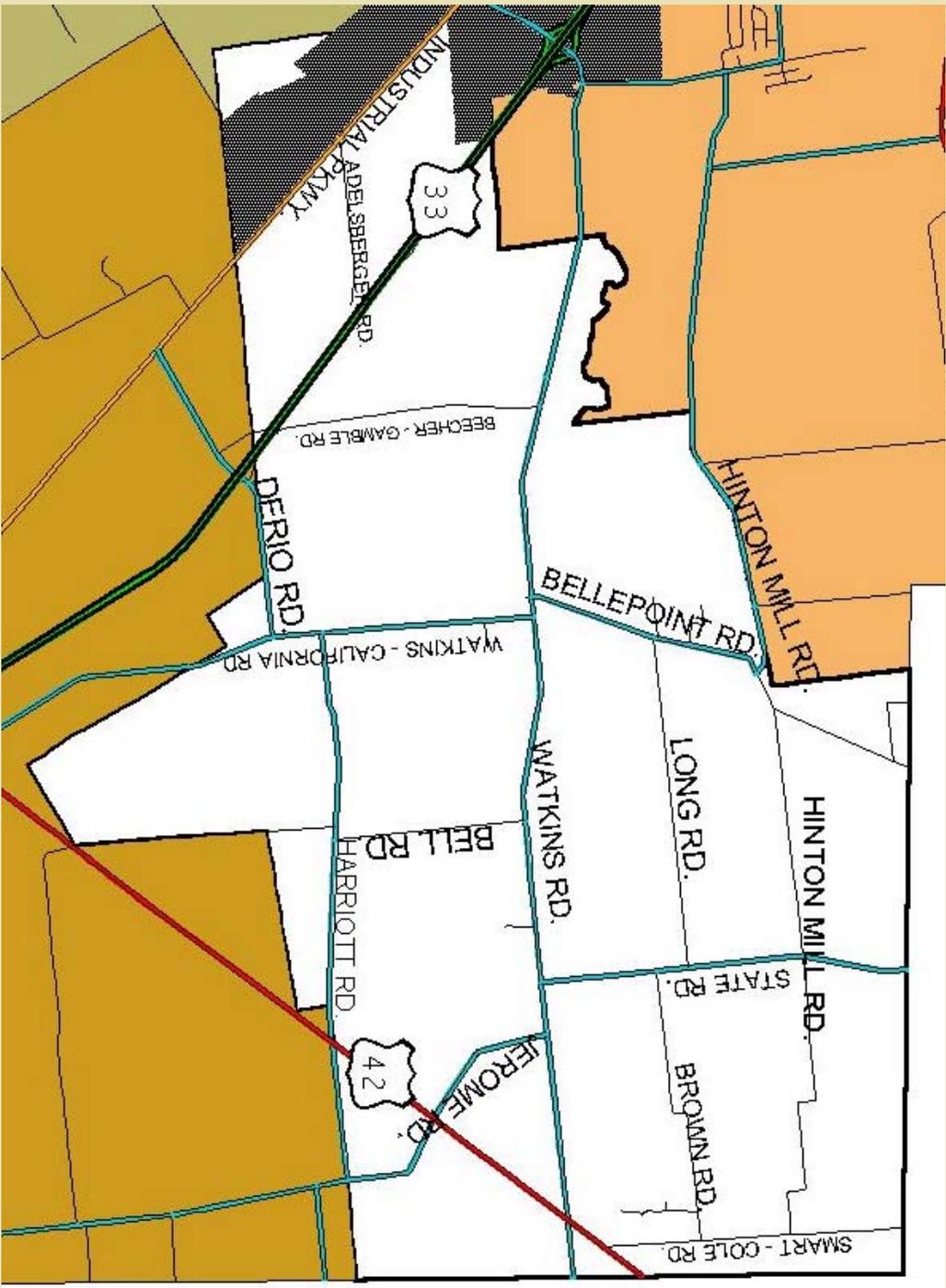


# Home Septic Limitations



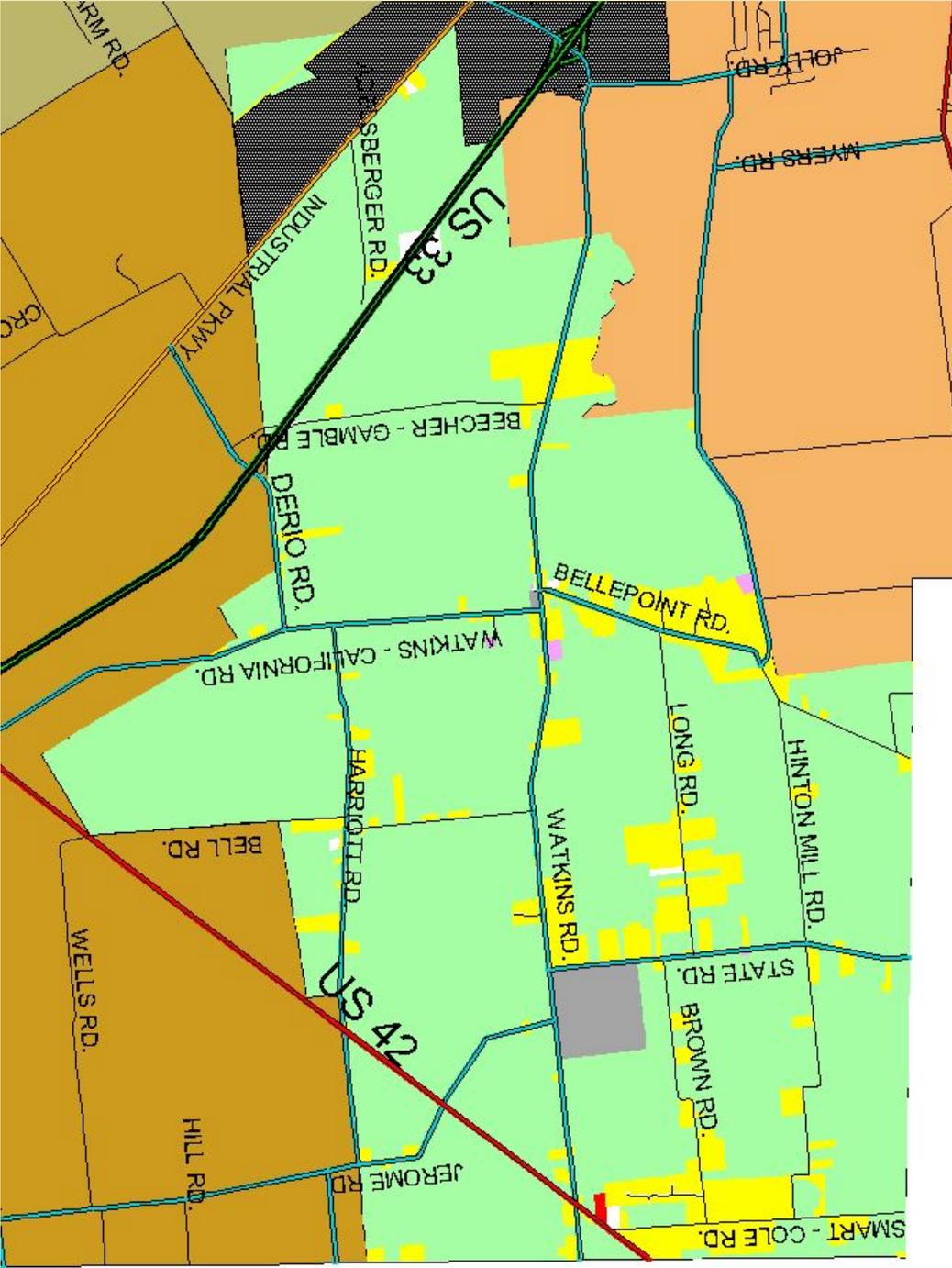


# Road Network & Infrastructure



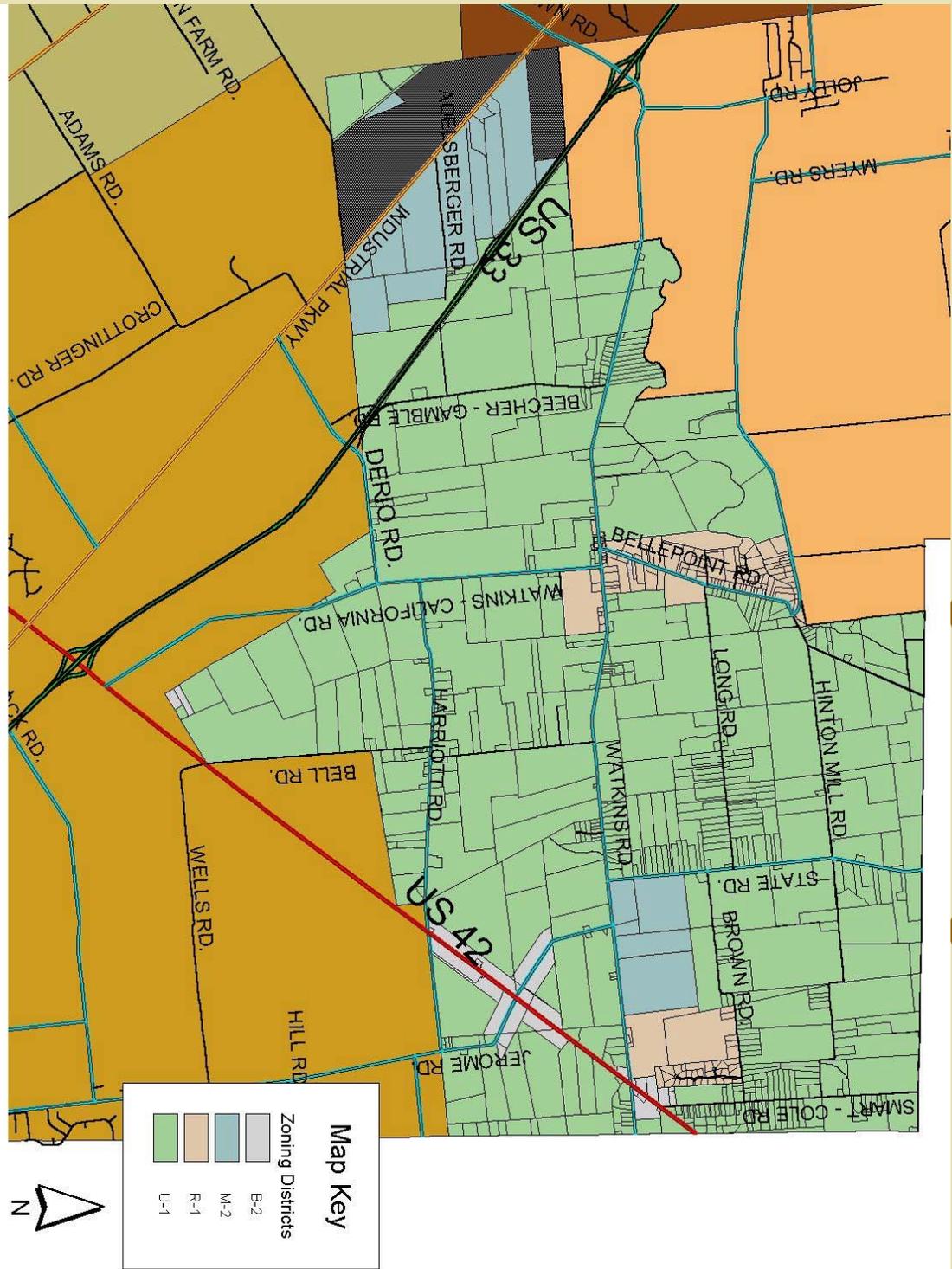


# Existing Land Use





# Existing Zoning





# INTERMISSION & GROUP DISCUSSION



# Planning In Ohio

- ◆ Largely a Home Rule State – local governance allows policy to match citizen tastes
- ◆ Presumption in favor of Property Owners-  
I.e. strong property rights



## American Planning History

- ◆ Once upon a time one could literally do whatever one liked with their property- tough luck if the neighbor was impacted
- ◆ Through legal action the concept of “nuisance” became an accepted reason for compensation or limiting a neighbor’s activities, or “use” of land.
- ◆ Expanded into a community’s right to enact “zoning” in order to protect “health, safety and the general welfare”.



# Balancing the “Public Good” with “Property Rights”

- ◆ Requires a clear vision and goals
- ◆ Requires public participation and consensus building
- ◆ Must stay within the bounds of legislation and “the law”



# Continuum of Policy Directions

48

## 1. Strictly market oriented & market driven

- ◆ **“Anyone can build anything anywhere” BUT**
  - Prevent adverse impacts to others
  - This includes buffering between uses
  - Developers/ property owners pay the full cost of property development directly or through impact fees
- ◆ **Ohio law stipulates standing for objections**
- ◆ **Requires public-sector planning**



# Continuum of Policy Directions

## 2. Strict Growth Management

- ◆ Portland, Oregon example
- ◆ Strictly defined areas where & what type of growth is allowed
- ◆ Sometimes use of growth caps- limiting of annual permits
- ◆ Periodically updated as urban boundaries are filled



# Continuum of Policy Directions

50

## 3. Some compromise between

- ◆ Smart Growth movement is an example
  - Incentives and controls to discourage sprawl and its effects
  - Attempts to mitigate conflict between rural uses at the interface of sub-urbanization
  - Accepts that some growth will occur
  - Incorporates many concepts discussed in the Kettering report



# Planning Issues

- ◆ Farmland protection
- ◆ Open space protection
- ◆ Natural or Historic Resource protection
- ◆ Redevelopment of Central Cities (and first ring suburbs)
- ◆ Efficient infrastructure investment decisions
- ◆ Economic opportunity for citizens
- ◆ Fiscal Health of a community



# Options & Tradeoffs

- ◆ Depends on the visions and goals of the citizens of Millcreek Township
- ◆ Identify strengths & opportunities and build on them
- ◆ Recognize weaknesses and threats and mitigate them

# COMPREHENSIVE LAND USE and GROWTH PLAN

## III LAND DEMAND and CAPACITY ANALYSIS

The demographic analysis found in II EXISTING CONDITIONS ANALYSIS provides the basis for forecasts to determine future land demand and predict change. The demographic analysis primarily focused on Millcreek Township's population and housing trends and their future implications for the community. The LAND DEMAND and CAPACITY ANALYSIS will utilize the year 2030 as the planning horizon for analysis.

### POPULATION TRENDS AND FORECASTS

According to the U.S. Census, Millcreek Township had a 2000 population of 1,261, representing a 54.7 percent increase in population from 1990. This was a far higher proportional increase that experienced by the County as a whole. From 1990 to 2000 Union County experienced only a 26 percent increase in population making Union County's population 40,909 in 2000.

### Population Forecasts

Changes in population impacts land use as well as demands placed on a community's services and infrastructure. Therefore, forecasts are used to estimate future population in order for the Township to adequately plan future growth areas and avoid undue expenditures related to public services.

A variety of factors are not considered when preparing numerical population forecasts including local preference for growth as well as future infrastructure improvements. Three different forecasting methods were used to frame a range of potential demand for housing by the year 2030.

The *Linear Forecast* method yields an estimated growth to 959 households by 2030.

Table III-1: Linear Forecast Method

Year	Projected Population	Estimated Number of Households*
2010	1707	620
2020	2153	783
2030	2599	959

\*Based on an average household size of 2.75, as reported in the 2000 Census

# COMPREHENSIVE LAND USE and GROWTH PLAN

## III LAND DEMAND and CAPACITY ANALYSIS

The *Geometric Forecast* method results in a forecast of 1,698 households by 2030.

Table III-2: Geometric Forecast Method

Year	Projected Population	Estimated Number of Households*
2010	1951	709
2020	3018	1,097
2030	4669	1,698

\*Based on an average household size of 2.75, as reported in the 2000 Census, Summary File 1, Table H12

The *Proportional Forecast* method, incorporating the County’s average historic growth rate, yields a projection of 960 households in Millcreek Township by 2030.

Table III-3 Proportional Forecast Method

Year	Union Co. Projected Population	Millcreek Twp. Projected Population	Estimated Number of Households*
2010	50,736	1573	572
2020	64,568	2002	728
2030	85,193	2641	960

\*Based on an average household size of 2.75, as reported in the 2000 Census

Thus the township could reasonably expect to grow to between 959 and 1,698 households within the next twenty-five

years from the current 459 households. This represents an increase of between 500 to 1,239 households, and therefore housing units. This averages out to 20 to 50 new housing units per year for the next twenty-five years.

A decided unknown is how much of this growth will be needed to accommodate new household formations by today’s children as they grow up: whether or not they try to remain in Millcreek Township and how many of them will set up households with their peers from Millcreek or with partners from elsewhere.

**Land Consumption:** The Township will have to determine how much land should be reserved for this expected amount of residential growth and what impacts that would have on community facilities and services. The planned future residential density directly impacts the land need. If developed solely in 5 acre lot-splits, (the minimum recommended for septic tank placement in these soils), this would translate into 4,795 acres to 8,490 acres consumed by residential development. The Township’s total acreage is 13,229 according to the County Auditor.

At such a low density, on local roads it would mean that approximately an additional 0.9 to 1.6 miles of roadways in the township would be lined on both sides with new homesites each year – from 22.5 to 40 miles of local road frontage consumed by housing by the year 2030. Higher capacity roads

# COMPREHENSIVE LAND USE and GROWTH PLAN

## III LAND DEMAND and CAPACITY ANALYSIS

will actually consume twice the amount of required frontage per driveway.

**Traffic Impacts:** In terms of traffic impacts this would translate into about 4 vehicle trips per day per household increase, or 2,000 to 4,956 additional vehicle trips per day on roads in the Township. With the high proportion of commuters currently living in the Township, much of this traffic would be expected to utilize the collector roads for a portion of their trips: Watkins Road, Bellepoint Road, Derio Road, Watkins-California Road, State Road, Jerome Road and Harriott Road. Of course these trips will not necessarily be evenly distributed across the township.

The County Engineer's access management regulations require the following spacing for driveways (as well as limiting the number of driveways per parcel):

Table IV-4: County Engineer Driveway Standards

Road Classification	Required Driveway Spacing
Major arterial	495 feet*
Minor arterial	495 feet*
Major collector	495 feet
Minor collector	360 feet
Local road	250 feet

\*Ohio Department of Transportation standard

**Water Supply:** The average household in the US uses more than 200 gallons of water per day. Therefore in

residential use alone, there will be an increase of more than 10,000 to 247,800 additional gallons per day of water usage by 2030 (at least a 4000 gallons per day increase each year).

The City of Marysville's capacity (which serves the Union County lines along Industrial Park Road south into Jerome Township) is currently limited and should probably be reserved for economic activity in this area for optimal tax generation for the near future.

At this time, Marysville will be assuming control of utilities that were operated by Union County. The City is exploring expanding the water utility capacity, with the express intention of making the service available in Jerome Township and the southern portions of Millcreek Township. At this time, it is unknown how long it will take to plan and develop this additional capacity, nor exactly how much additional capacity it will represent, since some will most likely be absorbed in the Marysville area itself. However, for the mid – to long-range horizon of this plan, Millcreek Township and its school systems can expect to see residential demand based upon this capacity to be significant.

**Waste Water Treatment:** At the inception of this planning effort, public utility service for waste water treatment was also nearing capacity. The City of Marysville announced in late 2004 that it has acquired land within Millcreek Township to construct a new waste water treatment facility. This is expected to facilitate a great deal of growth in the southern portions of the county, especially in Jerome and

# COMPREHENSIVE LAND USE and GROWTH PLAN

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## III LAND DEMAND and CAPACITY ANALYSIS

Millcreek Townships. The facility is expected to be operational near the end of 2006. The Township and City of Marysville.

An agreement has been negotiated with the City of Marysville which will not require annexation in order to tap into this utility. They may, however, require annexation of properties that are already adjacent to the City limits and within its established growth area. This annexation agreement will maintain the Township's ability to self govern and still enjoy and control incoming growth.

**Schools and Standards:** We could expect an average of 1.4 school age children in each single family dwelling unit, or an increase of 25 to 51 additional school age children each year. This would total 375 to 777 additional school age children by 2020. Currently an ideal elementary school accommodates about 400 students.

**Parks and Standards:** Currently the Township has one small park located adjacent to the Township Hall. It is used mostly for active recreation, and does have lighting for night use available.

Albert J. Rutledge's *Anatomy of a Park*, James Mertes' *Park, recreation, Open Space and Greenway Guidelines and Joseph J. Bannon's Leisure Resources: Its Comprehensive Planning*, were the sources for these standards and classifications.

Neighborhood parks range from 5-10 acres in size, often in conjunction with school grounds. It is recommended to provide 3 acres of neighborhood parkland for every 1,000 residents.

Community parks typically range in size from 30-50 acres, and should provide 7 acres for every 1,000 residents.

**Local Finances:** Although we have not performed a detailed cost of services for Millcreek Township, the American Farmland Trust has published the results of a study it conducted for Clark County, Ohio. For Clark County, they found that residential land uses yielded \$1 of tax revenue for every \$1.11 in tax expenditures. Commercial/ Industrial land uses yielded \$1 in taxes for each \$0.38 in tax expenditures and farmland yielded \$1 in tax revenue for every \$.030 in tax expenditures. Thus, with the anticipated level of residential growth, the community must compensate for the declining revenue base created by the conversion from farmland to residential. This is usually done by setting aside significant portions of land dedicated to future commercial, office and industrial uses for their higher tax rates.

### **Land Use and Tax Base Analysis:**

Union County Auditor, Mary Snider, reports that Millcreek Township currently exhibits tax receipts based upon land uses as seen in the following Table III-5:

# COMPREHENSIVE LAND USE and GROWTH PLAN

## III LAND DEMAND and CAPACITY ANALYSIS

Table III-5: Township Valuations & Taxes Collected

<b>Millcreek Township Taxable Features</b>	<b>Valuations &amp; Taxes Collected</b>
Total Acres	13,229
Total Valuation	\$34,957,400
Agricultural Property Tax	\$35,000
Residential Property Tax	\$143,000
Commercial Property Tax	\$3,000
Industrial Property Tax	\$3,400
PU Real Property Tax	\$25
Personal Property Tax (PPT)	\$21,400
PPT Valuation	\$3,456,810

The Personal Property Tax is largely levied on the non-real property assets of businesses.

The State's Homestead Exemption which reduces real estate taxes, is "made whole" to the Township by the State of Ohio.

CAUV (Current Agricultural Use Valuation) reduces real estate taxes for working farms. In Millcreek Township, there are currently 10,942.5 acres certified under the CAUV.

Although Union County does exercise its ability to enact a 1% sales tax (permissive), Millcreek Township has little retail activity and is expected to produce little revenue in this area in the near future. However, the County Auditor does not track the details of sales tax collection geographically or by jurisdiction.

The Fairbanks Local School District successfully passed a new levy in November of 2004.

The numbers in the Table III-5 reflect actual collections and valuations. Some tracts of land may have commercial or industrial zoning, but not currently be improved, or improved to their full zoning allowance, which would have the effect of reducing the actual tax receipts compared to the existing potential that could be realized if fully developed at currently allowed intensity.

# COMPREHENSIVE LAND USE and GROWTH PLAN

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## IV PLAN FOUNDATIONS

### INTRODUCTION

Subject to their power to act, the Zoning Committee and the Millcreek Township Board of Trustees will adopt and be guided by the policies, guiding principals and action agenda to implement the goals and objectives of this Plan. Updates to the Plan are to occur on a regular basis and to incorporate consideration of changes to the community brought about by as yet unknown forces. Modification of the community vision, goals or policies shall follow the procedures used in the initial adoption of the Plan, thereby offering the opportunity for community discussion and change.

#### ❖ PURPOSE OF THE COMPREHENSIVE LAND USE and GROWTH PLAN

**PURPOSE:** The community’s purpose for producing this plan as stated at the outset is to:

- Aid in the development of key guiding principles to preserve the agricultural and natural resources as well as the rural atmosphere in the township.
- Develop and publish key guiding principles as related to industrial, commercial and residential growth and development.
- Be a plan designed specifically for our community
- Identify a balanced plan that recognizes the rights of individual property owners while preserving property values and preparing the township for future development.
- Identify any “hot spots” / sensitive areas. It shall also

include recommendations on direction for these areas.

- Make recommendations on how the Millcreek Zoning Resolution and zoning districts can be modified to better compliment the Plan.
- Provide a basis for the implementation – including, but not limited to the township zoning resolution, and related county growth plans.
- Include strategic action steps for the township to implement following adoption of the plan.

In addition, a community’s plan should accomplish the following:

- **Ensure Consistency.** Promote the legal requirement of reasonableness by avoiding arbitrary decisions and furthering the uniform application of all planning procedures.
- **Promote Efficiency.** Simplify the preparation of materials for Zoning Committee action through the provision of guidelines and criteria. This will promote expeditious disposition in the interest of both the public and the petitioner.
- **Establish a Public Record.** Provide a clear statement of policies upon which the community may rely.
- **Maintain a Basis of Planning.** Assure the judicious use of resources. Planning decisions, such as zoning actions, need to be founded upon adopted principles and objectives. This will assist in accomplishing the intended purpose, and avoid the legal problems of arbitrary and capricious actions.
- **Develop a Planning Method.** Promote the rational

# COMPREHENSIVE LAND USE and GROWTH PLAN

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## IV PLAN FOUNDATIONS

utilization of land and the economical provision of required facilities and services both for the individual, and collectively in the public interest. This is accomplished through the allocation of land to a variety of uses based upon desired community objectives and intensity criteria.

- **Ensure Adoption, Amendment and Binding Effect.** Establish formal procedures for the adoption and amendment of this Plan recognizing that there is a need for continuity and community support.

### **PUBLIC PARTICIPATION**

This plan was created by a team effort of Township citizens and Board members under the facilitation of the Planning Consultant. The elected officials attended meetings and provided insights but left decision making to the Steering Committee. A community survey of attitudes was collected. A public event was held to display existing conditions data and receive public input on issues and concerns. A second public event will be held to present the working draft of the document prior to making recommendation for adoption to the Zoning Commission. Additional focus groups and roundtable discussions were also held during the process for information purposes as well as measuring public opinion on particular questions. Detailed accounts of these meetings and events are available in Appendix A, Public Participation.

### **TOTAL COMMUNITY INTEREST**

Planning loses its vitality as well as its credibility if it: (1)

becomes a mere composite of neighborhood desires; (2) is abused to advance the interest only of certain individuals or special interest groups; (3) is implemented whimsically or arbitrarily; or (4) becomes unreasonable or confiscatory in its application to private properties.

Millcreek Township will protect the general welfare of the area in its entirety through any and all planning measures. Therefore, the general good, as distinguished from individual interests will be furthered. Economic benefit to individuals shall be subordinate to the community economic considerations. Implementation of planning conducted solely for the purpose of increasing or maximizing value is not a valid public purpose.

### **REASONS FOR ACTIONS**

The Zoning Committee and, where appropriate, the Board of Trustees, shall document findings of fact and reasons for recommendations and actions related to planning and zoning. Their decisions should remain consistent with the Plan and the community Vision and Goals. Thus some deviations from the Plan are to be expected, based upon documented special situations, so long as they remain consistent with the overall community Vision and Goals.

### **BY-PASSED LAND**

In order to discourage sprawling development incompatible with the goals of the plan, requests for development must demonstrate to the Zoning Committee that if

# COMPREHENSIVE LAND USE and GROWTH PLAN

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## IV PLAN FOUNDATIONS

approved all adjacent (by-passed) land would not be harmed, but could still be developed consistent with existing zoning and/or an approved overall development plan.

### **EXPANSION OF TAX BASE**

The rapid growth that is now expected in the Township will require increasing investments in community services and facilities. Although market oriented planning addresses pushing these additional community costs onto the developers themselves, it is expected that the community will require significant additional revenues to maintain and operate services and facilities. The best way to enhance the tax base is to provide for a sufficient amount of various business enterprises.

The business community is to be welcomed and encouraged, but held to the same level of responsibility to its neighbors as the residents of the Township. Low intensity forms of light manufacturing, business, office and retail uses will be promoted in order to preserve the strength of the Township's and school's tax base as the residential sector grows. Only non-polluting industries will be permitted. These uses will ideally be located close to available public utilities and major highways to separate traffic from the interior, more residentially used parts of the township. Extensive use of buffering, landscaping and design will be expected to mitigate impacts on open vistas, the environment, traffic and safety.

# COMPREHENSIVE LAND USE and GROWTH PLAN

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## IV PLAN FOUNDATIONS

### **VISION STATEMENT:**

**“ Millcreek Township is ---”**

- a haven of rural peace, quiet and wide open spaces
- a safe and healthy community to raise a family
- a place of rich community life, fostering social and cultural interactions
- a prospering, economically healthy, yet affordable community
- a community where the enduring values of personal freedoms and private property rights are respected
- a community where individual actions do not conflict with or harm a neighbor’s health, use and enjoyment of home and property, nor degrade their value
- a community committed to managed and balanced growth
- a community in which infrastructure improvements will be commensurate with available technologies and the pace of development

### **GOALS, OBJECTIVES & POLICIES:**

1. **Protect the Township’s quiet rural character and feeling of open spaces**
  - Establish performance criteria within the zoning resolution with which to preserve an atmosphere of nature and calm, using open and attractive vistas, spacing and buffering between incompatible uses, and thoughtful layout to mitigate impacts of proposed development.
  - Promote the use of lot split methods that minimize impacts on roadways, water quality and rural features.
  - Acquire open space and easements aimed at buffering roadways, environmentally sensitive or other significant areas.
  - Promote the use of land conservation principles in zoning classifications and requirements that will maximize the use and enjoyment of aggregated open space.
  - Establish through the above a truly unique and highly desirable community that can grow while remaining rural in character

# COMPREHENSIVE LAND USE and GROWTH PLAN

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## IV PLAN FOUNDATIONS

### **GOALS, OBJECTIVES & POLICIES:**

2. **Be open to growth that pays for itself and enhances the community's economic health, while respecting Millcreek's core values.**
  - Plan for and manage growth
  - Develop criteria with which to quantify potential impacts of proposed development
  - Adopt measures by which growth will pay for its own impacts
  - Develop infrastructure capacity to match growth as it occurs
  - Utilize rural conservation practices for development
  - Balance types land uses to achieve sustainable tax base.
    - Minimize conflict at the interface with dedicated farming operations
    - Reserve enough space in each land use category to achieve a tax base sufficient to meet future needs
  
3. **Work collaboratively with community groups, businesses, neighboring jurisdictions, and State and County agencies to ensure the Township's continued ability to self-govern.**
  - Work with County and State agencies to obtain road improvements needed to reduce hazards of increasing through traffic on major highways.
  - Explore cooperative agreements with other local governments e.g.:
    - Cooperative Economic Development Agreements (CEDA) and Joint Economic Development Districts (JEDD)
    - Shared services agreements
    - Route 33 Corridor Alliance
  - Promote the growth of citizen based boards and not-for-profit groups to address development and operation of community amenities, e.g.:
    - Schools
    - Parks
    - Community centers and events
    - Communications link to new-comers and neighbors
    - Preservation of working farms
  - Explore incorporation of the Township (Long Term)

# COMPREHENSIVE LAND

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**Example of Hamlet Design:** The following has been extracted from the **Chattahoochee Hill Country Conservation Plan**. It illustrates a possible Hamlet Design, and describes their development standards for Hamlet style developments.



## USE and GROWTH PLAN

“The Hamlet (CUP-CHC zoning classification) is intended to provide a mix of dwellings and local services to the community in a compact pattern that promotes land conservation. A hamlet is a minimum of 200 acres with an overall density of one unit per acre, but development is clustered on a maximum of 20% of the

,000 homes that gobble up 80 percent of the land. Under the conservancy's proposal - with broad support but little money - the area could have 38,000 homes on less than 20 percent of the land. The development would primarily be in three clusters of "conservation development."

# COMPREHENSIVE LAND USE and GROWTH PLAN

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## V PLANNING AREAS & RECOMMENDATIONS

### ❖ LAND USE PLAN AND IMPLEMENTATION STRATEGIES

The Township faces perhaps inevitable intense growth in many land use classifications. The location of U.S. Route 33 and U.S. Route 42 at its southwestern and southeastern edges and the proximity of growing larger cities on all sides create that pressure. The City of Marysville’s intention to construct a wastewater treatment facility near the intersection of Beecher-Gamble Road and U.S. Route 33 combined with the announced development intentions of the Glacier Ridge West development company, show that this growth pressure is no longer theoretical.

These conditions also show us the area of the township that is to be most immediately attractive to developers and future residents. Given what is currently known of landowners’ intentions and geographic features, the township might be discussed as a set of four (4) different planning areas with different potentials, constraints and pressures. These have been labeled the Southeast Planning Area, the West Planning Area, the Central Planning Area and the North Planning Area. Each of these will be described below after the general discussion on implementation recommendations. Each area will have a set of specific plan recommendations. All recommendations will be summarized in a table at the close of this chapter.

The pace of development will, in the end, be mostly determined by the willingness of the landowners to sell their property and to some extent the ever changing state and local economy. Not only do the costs of oil, transportation and employment factors have huge impacts on the local economy,

but changes are contemplated in the State budget and taxing structure as well as the Federal budget and tax codes as well. These economic, tax and budget changes will directly influence and change the money supply and investment decisions of developers and potential homebuyers.



The culture of the township, which is expressed in its vision and goals, is both attached to its quiet, rural qualities and to the belief that individual property rights should be respected. Yet the consensus is that the government, which is “by the people”, also has a responsibility to protect a treasured way of life from disruptions by the actions of other property owners. Increasingly new property owners will be immigrants to the Township, carrying with them different perspectives, different experiences, different cultures and values. Thirty years from now, their influence will become the

# COMPREHENSIVE LAND USE and GROWTH PLAN

## V PLANNING AREAS & RECOMMENDATIONS

dominant one in the Township. The community may need to make some tough decisions in the future and will most likely have to put a dollar value on the quiet way of life and open spaces it says it wants to preserve, and then decide if that cost is bearable. If the current residents of the Township can firmly fix their vision and remain true to the goals of the plan, it will be possible to guide the changes of an evolving community in a direction that maintains the essence of their quiet community and its open, rural character.

The experiences of Granville Township in Licking County are somewhat instructive, and some of their efforts will be cited for illustration purposes in the recommendations that follow.

### GENERAL IMPLEMENTATION RECOMMENDATIONS

There are a number of general concepts that are applicable throughout the Township. There are some discussed here that are used in some communities but are not available to townships in Ohio. Depending upon the unique characteristics of the various Planning Areas the general principles may be applied with higher or lower levels of attainment. The Planning Area recommendations that follow use approximate standards. When the zoning resolution is updated, the final determinations of standards will be made.

#### 1. MARKET ORIENTED PLANNING

The community respects the rights of property owners to use their land in an economically viable fashion. However, the community recognizes the right of all property owners to not be subjected to nuisances that some changes in land use may create. Nuisances are activities or land uses on a nearby property that significantly prevents one from the use and enjoyment of one's own property. Townships in Ohio are expressly given the power to regulate land use for the purpose of protecting public health, safety and general welfare.

Furthermore, the community believes that the trend of population growth in this region will continue and eventually will play a role in Millcreek Township's future. With the need to promote the efficient use of land, protecting public health, safety and general welfare, balanced with the goal of protecting the quiet, rural character that is so important to the citizens, a somewhat different approach to traditional growth management is required. Rural character will be expressed and defined through the use of development standards for all properties, rather than through land use categories. A market oriented planning perspective will be maintained, forming the framework for this Plan's recommendations, and will set the framework for the subsequent revision of the zoning resolution. The market oriented planning approach adheres to the following principals:

# COMPREHENSIVE LAND USE and GROWTH PLAN

## V PLANNING AREAS & RECOMMENDATIONS

- A market orientation responds to the market demand for land and land uses.
- This orientation places the responsibility for absorbing costs for the impacts of development upon the developer/landowner. Such impacts include, but are not limited to the cost of providing community services such as parks and recreation, public water, wastewater treatment, transportation improvements, schools, police, fire and EMS protection as well as general governmental functions.

Property owners and developers must pay the full financial burden and construct utility and other infrastructure extensions and improvements, including but not limited to road improvements, serving the site. Payments “in-lieu-of” actual construction the infrastructure, equivalent to a pro-rata share, may be accepted if the needed infrastructure would be logically sized even larger to accommodate additional future growth that would be expected in the resulting service corridor.



Figure V-2: New housing along banks of reclaimed quarry site in Upper Arlington. Note the street is more like a shared access drive, and not engineered for heavy traffic..

Under this scenario, the Township or governmental unit with jurisdiction (as perhaps the County or Federal government in their rights-of-way) may assume responsibility for planning and installing the correctly sized infrastructure, with developments making the “in-lieu-of” payments as development proceeds. (Also see the discussion of Tax Increment Financing, TIF, in the “Notes” below.)

- The community accepts the responsibility for specific planning for public sector services and facilities pertaining to requirements on the developer for paying for such services and infrastructure. The community together with the Union County Engineer shall establish minimum standards in all cases. The community together with the Union County Engineer shall ultimately determine the adequacy of impact analysis.
- The developer / land owner must modify the project to mitigate identifiable and measurable impacts as well as consideration of external costs caused to the community or neighbors by a project (see other related strategies below).
- Base zoning requirements may be amended with density bonuses, applied to provide incentive for inclusion of desirable additional characteristics and features (see # 5, Incentive and Flexible Zoning, below).

# COMPREHENSIVE LAND USE and GROWTH PLAN

## V PLANNING AREAS & RECOMMENDATIONS

- Process improvements, to the extent permitted by the Ohio Revised Code, will be incorporated to reduce the administrative burden upon the property owner / developer. In no way is this principle to be construed in any way that interferes with the community's ability to fully review and investigate a proposed development.

- Developers/ land owners must notify all neighbors and others in the region that are impacted by a proposed project so that they will have the opportunity to review and comment on the proposed project.

### *A Note About Impact Fees and Exactions*

Although the plan calls for a market oriented approach in which land developers will be required to fully and directly absorb the costs of their development and to mitigate the substantial downstream impacts of more residents and traffic, there are some growth management tools that are not available to Townships. One of these is the use of impact fees. Ohio Revised Code only allows the use of impact fees in home rule jurisdictions with charter governments. Even then, it is not clear that home rule counties and townships would be allowed to exercise the use of impact fees. Thus, no Ohio townships have utilized impact fees. Cities that provide fire and EMS protective services may require impact fees for these services.

Granville Township Trustee Jim Havens along with Lynn Straker have met with Ohio Senator Jay Hottinger, to encourage his sponsorship of a new bill which would permit Townships to enact impact fees on new home construction. More recently Ohio Representative Larry Wolpert has

introduced legislation that will permit townships, school districts and other service districts to levy impact fees. Millcreek Township and Fairbanks Local Schools may want to join them in supporting this new impact fee legislation.

The City of Pickerington in early 2005 has been advised by Attorney Mark White of Kansas City, that in his opinion, Violet Township could join the City in enacting impact fees on residential developments. However, the Township's legal counsel maintains that under current Ohio Law, the Township does not have this option. Proceeding with impact fees at this time could expose their Township to expensive litigation, which may not result in a decision in their favor.

### *A Note About Tap Fees*

Tap fees for water or sewer connections were one of the first types of impact fees to ever be utilized. They obviously can only be received by the operator of the water or sewer utility, and so are not applicable to Millcreek Township as a governing body. The City of Marysville is the expected provider of sewer and water within the Township and will set and collect tap fees for these services.

### *A Note About TIFs –Tax Increment Financing*

The ORC allows Townships to enact Tax Increment Financing as a method to encourage specific desired developments. TIFs are usually used to divert property

# COMPREHENSIVE LAND USE and GROWTH PLAN

## V PLANNING AREAS & RECOMMENDATIONS

taxes from the incremental increase in property value after construction has taken place, for the purpose of paying for needed infrastructure improvements. This tool has been used extensively in the region as an incentive to attract particularly high end developers of office and retail properties. Although the legislation was extended to apply to residential developments as well, recent opposition to its use for new residential development may restrict its use for residential development in the future.

This form of incentive is in opposition to the above principles of the market oriented planning approach in that the community is covering the cost of infrastructure on behalf of the developer. It is also troublesome in that the property taxes diverted to paying specifically for this infrastructure should have gone to the jurisdictions' general funds and other agencies that would have received a portion of these property taxes; such as parks, senior citizens programs, and County Boards of Mental Health or Mental Retardation/Developmental Disabilities. Schools can also be adversely affected, although the ORC provides them with formal input into proposed TIF districts, and provides them with the ability to specifically be "made whole" in a TIF arrangement. In addition, under current legislation, Townships may lose this power past 2006, and in fact the legislature is considering repealing or significantly altering any authority to establish new TIFs.

Still, so long as permissible, TIF can be a significant incentive tool to attract particularly desirable economic development projects to a community. Such developments have potential for increasing the tax base and also, if strategically located, can provide buffering from neighboring

jurisdictions or between incompatible uses. Millcreek Township should consider the judicious use of TIFs as long as permissible. The key will be to carefully evaluate each project's benefits; additional tax revenue as well as its impact on the goal of managing its growth, against the cost of diverted revenue on local agencies.

### **2. MANDATORY LAND DEDICATION;**

Mandatory dedication of land for road and utility right-of-way, schools and park land is generally accepted as a valid tool in Ohio. The payment of "fees-in-lieu-of" land dedication is now widely accepted, if the fees are calculated on the value of the land that would otherwise be dedicated. This fee-in-lieu-of payment is typically applied where projects are small in land area or where the land available for dedication would not be consistent with the local land use plan for the future sites of parks or schools.

Parks are usually thought of in a hierarchy based upon the size of the population they serve and the types of recreational purpose the park or open space serves. This is discussed further in # 11, Open Space and Pedestrian Linkages below. The amount of total land received in dedication should aggregate the amount of land necessary to serve the range of types of parks needed to serve the various recreational needs of the new residents. At a minimum, the township should set aside for parks:

# COMPREHENSIVE LAND USE and GROWTH PLAN

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- Neighborhood parks should receive at a minimum 1 acre for every 100 new houses.
- Community parks should receive an additional 0.5 acre for every 100 new houses.
- Active recreation areas should receive another 0.5 acre for every 100 new houses for such activities as soccer fields or baseball fields.
- These are over and above school yard space. The community is encouraged to establish its own standard when revising its zoning resolution..

The amount to be dedicated for schools varies by type of school, and population. Elementary schools may house 400-600 (ideally 300-400) students, middle schools may house 400-800 (ideally 400-500) students and high schools may house 800-2000 students (ideally 1000). The Ohio School Facilities Commission recommends space needs according to either of two slightly differing formulae:

- Elementary – 10 acres plus 1 acre per 100 students
- Middle School – 20 acres plus 1 acre per 100 students
- High School- 35 acres plus 1 acre per 100 students

Or:

- A K-12 building 40 acres plus 1 acre per 100 students
- A K-8 building – 20 acres plus 1 acre per 100 students
- A 6-12 building- 35 acres plus 1 acre per 100 students

As these recommendations are given by numbers of

students, the community is challenged in planning to translate numbers of housing units into student population estimates. Using a current average of about 1.4 students per single family dwelling, the Township may absorb an increase of 2,377 students during the 30 year planning period. This planning period will span 2.5 “generations” of students receiving the entire Kindergarten (K) through 12<sup>th</sup> grade education. So buildings may not have to be constructed to serve the entire expected increase in new students at one time. Total land dedications of at least 65 acres or more per 1000 households may be required. As development progresses, the current distribution of students across the affected school and the expected distribution of students from each incremental new development will have to be closely monitored. Land dedication amounts might have to be adjusted over time.

Land dedications assist with significant costs of new schools, but of course, land is only one component of cost for new schools. In fact for both parks and schools there are construction costs and ongoing staffing and operations costs. Local property taxes and State funding provided on a per pupil basis may keep pace with this growth, but is uncertain for the long term future. The details of such a land dedication from a proposed development should be worked out with extensive input from the Fairbanks School System. Even if impact fees are eventually utilized, they can affect only construction and furnishings related costs. Differing arrangements may be needed in the portions of the Township that affect other school systems.

# COMPREHENSIVE LAND USE and GROWTH PLAN

## V PLANNING AREAS & RECOMMENDATIONS

### 3. AGRICULTURAL SECURITY

Much of planning literature about rural areas is concerned about preservation of vital farmlands and the areas' agriculture based economy. Preservation's first strategy is to identify the most critical or most important lands for priority efforts and investments. Computer modeling methodologies are evolving to make these determinations with some precision and locate them in very fine detail. Ironically the soil types and topography that are best suited for farming are also best suited for developments of all types. Factors that reduce the suitability of land for aggressive agricultural preservation efforts are the strength of development pressure and close proximity of water and sewer services. Strong development pressure and availability of utilities exist for most of Millcreek Township and indicate that strong land use controls aimed at agricultural preservation might not be a good use of resources in the long term.

However, much of the land in Millcreek Township is still in agricultural use, although as seen in the latest census, most of the labor force in the community is employed primarily in other industries and outside of the Township. Some of its most prominent landholders have abandoned farm operations on their own, and only lease fields to other operators until other buyers and uses can be secured. Some others while operating their farms, supplement their income with secondary careers or businesses. Still others contemplate their upcoming retirements and long to maximize the price they will obtain for their acreage. Higher prices now appear to be available in the region due to urban expansion by private developments. These higher prices will reduce the opportunity for farmers to enlarge

their holdings and operations.

Nevertheless, the community still has families that hope to continue the occupation of farming. The community treasures these farms and the open space they provide. The farmers do not wish to create obstacles to their neighbors with respect to land use, but similarly hope to retain their own ability to continue their own operations and livelihood. They wish to avoid the conflicts that arise from traffic and new residents who may not understand or be tolerant of farm activities.



**Figure V-3: A working farmstead in the North Planning Area. Visual elements include the clustering of the farm structures surrounded by the fields, mature tree and shrubs around the vintage dwelling.**

# COMPREHENSIVE LAND USE and GROWTH PLAN

## V PLANNING AREAS & RECOMMENDATIONS

### *Hamlet And Village Style Development*

The Township wishes to protect the ability of landowners to use the “lot-split” or “minor sub-division” as a method of disposition of excess property. However, the tremendous public investment in traffic-carrying facilities including streets, highways, and expressways must be protected by preventing indiscriminate access and strip development on busy roads.

#### CRITERIA FOR PLANNED (NEW) HAMLETS

- It is planned to function primarily as a small-scale (usually about 10-25 acres), compact residential settlement with a compact core of convenience goods stores and community-related functions, including for example, a commons, luncheonette or community-activity buildings, or a place that clearly distinguishes it from the standard rural lot split pattern or single-use, residential subdivision.
- It is a small, compact primarily residential settlement. It should be planned to absorb the development that would otherwise occur on tracts of land along County and township roads. A new hamlet may require a small-scale public water and or wastewater treatment system. The level of development should conform to the capacities of natural resource and infrastructure systems that would exist in the absence of the water/sewer systems.
- It should reflect concerns for traffic safety and be approved by the County Engineer
- It has a range of housing types and styles
- Reliance on septic systems requires large lots, oriented to cluster buildings.

Likewise, traffic generating home sites should be

encouraged to locate in areas where roads are not heavily used by farm equipment. Hamlets permit existing or new development to occur within agricultural areas while preserving the resources and rural character. Existing hamlets often grew up around crossroads. They are not synonymous with subdivisions, though often mostly residential in character; they may have a small compact core of retail, service and community activity uses. New hamlets should conform to the carrying capacities of natural and built systems.

The Township will :

- Provide advisory assistance to and encourage land owners that sell off parcels for home lots, to adopt traditional “Hamlet” style layouts of their parcels; discouraging stripping out parcels along the road right-of-way.
- Encourage the use of shared access, or common access drives (CAD). An example of the concept is Gibson Drive in Millcreek Township. Common access drives must still meet minimum functional and safety design requirements which the Union County Engineer would stipulate.
- Develop incentives for use of hamlet style lot layouts.
- Consistent with the Township’s desire to use a market oriented planning approach Millcreek Township’s plan will expressly provide security for the continuation of agricultural activities and also protect

# COMPREHENSIVE LAND USE and GROWTH PLAN

## V PLANNING AREAS & RECOMMENDATIONS

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the right to subdivide land. These elements are described again in the Planning Area Recommendations that follow.

### 4. CONSERVATION DEVELOPMENTS

Where large scale developments are proposed and can be supported with utilities, the preferred method of development will be the Conservation Development. Conservation Developments in general include these principles:

- Resource protection, both natural and historic (see specific environmental recommendations below).
- Significant open space set asides (50% or more) with clustering of structures on smaller lots. Promote or require direct access and contact of a majority of the created residential lots with the provided open space.
- Base density definitions on Gross density of the development instead of on lot dimensions.
- Diverse offerings of housing styles and features.
- Mixed uses to support the needs of the development; f. child care centers, schools, churches, limited retail, medical offices, recreation facilities etc.
- Extensive use of landscaping and aesthetic features.

With respect to resource conservation considerations and the use of conservation development, it is recommended that the Township implement, at a minimum, the recommendations

of the *Darby Creek Watershed Storm Water Management Strategies and Standards for New Development*.

The recommendations of the Ohio EPA's (Environmental Protection Agency) released May 16, 2005 are better. These recommendations, though generated for the particularly sensitive Darby Creek watershed, will be increasingly beneficial throughout the township as the State of Ohio has begun planning for improving the quality of the Scioto River watershed as well. The standards can be incorporated into the Township Zoning Resolution and County Subdivision Regulations. Major principles include:

- Minimize use of impervious surfaces (paving) in design of a project, and encouraging the use of new technology paving materials that allow water infiltration into the soil.
- Allow relaxed lot widths and side yard requirements to minimize roadway length in new developments (similar to principle b, above).
- Allow sidewalks and walking paths to be placed on only one (1) side of the road on lightly traveled neighborhood streets.
- Direct rooftop runoff and a majority of other runoff to pervious areas such as yards, open channels and other vegetated areas, and not onto the roadways or a pipe-based storm water conveyance system.

# COMPREHENSIVE LAND USE and GROWTH PLAN

## V PLANNING AREAS & RECOMMENDATIONS

- Use of vegetated open channels in the street right of way to convey and filter storm water runoff.
- Modify parking requirements in the Zoning Resolution to promote shared parking between uses that have different peak usage times. Do not over design the number of parking spaces required.
- Design parking areas with pervious surfaces in spillover parking areas. Incorporate filtering strips into the required landscaping and buffer areas around parking areas.
- Utilize localized vegetated “rain gardens” as recipients for storm water runoff.
- Discourage the enclosing, straightening or relocating of streams in new development design.
- Require retention or create vegetated buffer along all perennial streams, wetlands, areas of steep slopes and floodplains. A minimum width should be 100 feet in both directions from the center line of the stream, or edge of other features.



**Figure V-4:** Mixed use development around a reclaimed quarry near Upper Arlington. The deck in the foreground is part of an office building.

### 5. ZONING

Zoning is a tool that is expressly within the powers of the Township government. The Township has already made provisions for a review and update of the Zoning Resolution immediately after completion of this plan. The new planning approaches outlined for the township and the complex issues that face the community indicate that a major rewrite of the zoning resolution will be needed to give the township the tools to strike the balance between accepting growth and controlling its impacts. Specifically the task of rewriting the zoning should address the following:

# COMPREHENSIVE LAND USE and GROWTH PLAN

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## V PLANNING AREAS & RECOMMENDATIONS

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- Developing more districts with more closely defined classifications and permitted uses.
- Provide for allowing multifamily housing as a conditional use new U.S. Highways or commercial centers.
- Secure sufficient land for tax generating uses; i.e. industrial, office, commercial.
- Carefully utilize zoning incentives, PUDs and variances to produce higher quality development.
- Explore use of Special Assessment Districts or Community Authorities to accommodate project needs without impacting current resident taxes.
- Require buffering between different or incompatible land uses and to protect privacy and rural atmosphere.
- Use transitional land uses and densities as a buffering technique.
- Explore creation of a Demolition Permit process to encourage the reuse of architectural resources.
- Adopt the use of the Checklist Analysis format to evaluate future development, rezoning, or variance requests.
- Increase the minimum lot size of lot splits to at least 5 acres where public water and sewer will not be used.
- Proactively eliminate the demand for Conditional Use

Permits. The revised resolution should amend the process to more effectively administer and enforce conditional use stipulations.

### *Incentive and Flexible Zoning*

Incentive zoning works to allow relief from certain requirements within the zoning code in order to stimulate the voluntary provision of features that advance the goals of the Township as expressed in its Comprehensive Plan. For example, an increase in housing density in a project might be permitted in exchange for significant increases in open space or landscape features. Another example might be the ability to exceed height or floor-area-ratio in commercial areas in exchange for voluntary provision of public plazas. The amount of deviance from the underlying zoning would be limited to a clearly defined range of variance that might be attainable with target ranges of the desired amenity. Clearly the use of such techniques will not apply in areas where the underlying zoning is already at minimally tolerable specifications.

The use of incentive and/or flexible zoning must be based upon clearly defined criteria, and should be reviewed by professionals or experienced zoning officials to avoid arbitrary application of the standards.

The City of Dublin uses a form of incentive zoning through the use of density bonuses in exchange for provision of significant amenities and design features, beyond the basic requirements of their zoning (which by itself requires much more than most communities). See

# COMPREHENSIVE LAND USE and GROWTH PLAN

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## V PLANNING AREAS & RECOMMENDATIONS

the sample chart on the next page from their promotional document titled “*The Road to WOW*”.



**Figure V-6: Unique architectural features that evolved locally, such as the bowed gables and gothic inspired windows shown here, contribute to the identity of a community. While they should not be slavishly replicated, they might be “WOW” features, providing inspiration for new structures and art.**



# COMPREHENSIVE LAND USE and GROWTH PLAN

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### *The Planned Unit Development (PUD)*

The Planned Unit Development is a similar zoning vehicle wherein the entire development plan can be negotiated to achieve sounder results. The Township already has some provisions for PUD. The PUD is typically applied to parcels of an established minimum size, (e.g. 20 acres or more), and is applied at the request of the developer instead of having to comply with the underlying zoning, or instead of applying for other defined available zoning districts. In either case, the benefit available to the developer must be significant enough to encourage their use. The use of zoning incentives should not result in economic benefit to the developer that is not commensurate with the public benefit gained.

### *Non-Legislative Land Use Control*

Deed restrictions are a form of voluntarily accepted restrictions on a variety of aspects of design, aesthetics or uses of property that is conveyed by a seller to the new purchaser by being attached to the deed to the property. Deed restrictions, unlike zoning, are not legislation and can be enforced only by civil suit brought by those harmed by a violation- usually other purchasers of property in the same development. Deed restrictions placed on property by sellers generally control the initial development quite well. However, over time, aspects of the restrictions may loose their effectiveness if neighbors are unwilling to risk the legal costs, acrimony and recriminations that might result from filing a law suit. Land owners that wish to exercise some control over the quality of future development of their land and guarantee against a developer switching plans after attaining title to the land, should be given assistance in

finding legal counsel for drafting such restrictions. Note that deed restrictions are important in the governance of Community Authorities which are discussed later in this section.

### **7. IMPACT ANALYSIS REQUIREMENT**

Any proposed development should require the submission of a Community Impact Analysis at the application for subdivision. This quantitative analysis must address the effects which the proposed development might have on the health, safety, general welfare and the quality of life in the Township. The Impact Analysis shall include but not be limited to the following: location and access, topography and drainage, adjacent land use, site land use, vegetation, soils, sanitary sewers, storm drainage, natural drainage-ways and flood plains, air and noise pollution, water quality and supply, the provision of public utilities such as electricity and natural gas, impacts on schools, impacts on park and recreation lands and activities, impacts on existing fire and police protection, traffic projections and traffic control. If the County subdivision regulations do not require all of the above, the Township should pursue having the subdivision regulations modified to include them.

Additionally, estimates shall be included related to tax effect, market analysis and economic impact, and construction scheduling. This analysis may form the basis for negotiated mitigation methods to insure developers bear the true cost to the public of their projects.

# COMPREHENSIVE LAND USE and GROWTH PLAN

## V PLANNING AREAS & RECOMMENDATIONS

### 8. COMMUNITY AUTHORITIES, JEDDS, CEDAS and SPECIAL ASSESSMENT DISTRICTS

#### *New Community Authorities*

New Community Authorities may be established through petition filed by a developer with the clerk of the Board of County Commissioners. If located entirely outside a municipality, the district must be at least one thousand (1000) acres, and must be owned or controlled by the developer, if a private entity. The entire acreage must be developable as a single functionally interrelated community. The Community Authority if properly planned and approved has the power to raise funds for the construction of infrastructure and community facilities, including schools, through the levying of “community development charges”, charging of fees, receipt of gifts, grants, or investor funds, may sell or lease land, and may issue bonds to be paid for by its revenue streams.

Land within the district of a Community Authority may be annexed to a municipality. The Community Authority has no police powers, and land parcels are subject to the planning, zoning and subdivision regulations of the jurisdictions in which they exist. It is also subject to the laws, police and fire protection services of the jurisdiction. If water and sewer services are not otherwise available, the Community Authority may provide these services.

Community development charges may be payable annually and are voluntarily subscribed to as they are conveyed in the deed restrictions as set by the developer. The Authority is governed by a board of trustees made up of residents and

representatives of the developer and affected jurisdictions. Any government or agency may enter into agreements for services with the Authority.

Examples of Community Authorities established in Ohio include, The Newark Granville (Twp) Community Authority, the New Albany Community Authority, and the River South Community Authority (the old Lazarus building in downtown Columbus).

#### *Joint Economic Development Districts (JEDD)*

Joint Economic Development Districts are multi-jurisdictional agreements in which governments agree on arrangements to share costs of services and taxes and jointly plan districts in which business and industrial uses are encouraged. The agreements allow for a three year moratorium on annexation or a mutually agreeable compromise regarding annexation and services. JEDD’s allow the communities to jointly benefit from cooperative efforts, and not expend resources in competing for new economic development.

The Board of the JEDD district may levy income taxes payable by workers and corporations in the district. Townships are not allowed to collect income taxes. The property taxes collected by each jurisdiction continue at the same rates. The JEDD Contract will outline any agreements on how costs and taxes will be shared. The JEDD may also outline joint land use regulations, or the underlying regulations can continue to be enforced.

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### *Community Economic Development Authorities (CEDA)*

Community Economic Development Authorities are similar to JEDDS in their use and benefit to a community, but are considered to be more flexible. The CEDA may involve residential developments where JEDDS cannot. CEDA's can also resolve the issue of hostile annexations, either through agreed on moratoria, or by virtue of allowing the annexation but without withdrawal from the Township. Property taxes continue to be collected according to jurisdiction. However, if the municipal corporation has an income tax, and has annexed land within the CEDA district, they will share some of the income tax with the Township. Payments-in-lieu of taxes and service charges may be negotiated between the participants.

The cooperating jurisdictions can agree to apply for grants, share the costs of services and improvements and cooperate in any agreed on fashion regarding development standards for the areas within the CEDA area. School district boundaries do not have to change and usually agreements for any tax abatements will keep the school district "whole".

### *The Special Assessment District*

The Special Assessment District is another alternative to impact fees and similar to the Community Authority, though smaller in scale. Assessment districts allow for a given geographic area, such as a downtown district, to voluntarily self-tax, i.e., assess a special additional tax only within that district in order to provide specific public improvements, such as parking lots, landscaping and beautification projects or even

staffing for an organization that serves the general good of that district, like a district management director. These would be established in an emerging commercial district in partnership with the project developer or group of property/business owners within the district boundaries.

Millcreek Township should explore any and all partnerships and encourage the use of new entities where the resulting agreements promote the overall goals and policies of the plan.

### **9. BUFFERING**

Use of buffering techniques, such as physical separation of uses through transitional areas, open space, fencing, and/or landscaped planting areas will be required to mitigate or eliminate potential impacts upon existing neighboring uses. The extent of these requirements will be determined by the degree of incompatibility between the existing or expected uses and the proposed development and will be detailed within the provisions of a revised Zoning Resolution.

Typical buffering mechanisms include landscaping materials (trees and shrubs) fencing, mounding, set backs and adjusting site layouts to reduce visual intrusions.

#### *A Note About Transitional Uses as Buffering*

Some uses and densities are perceived as undesirable and generally not preferred for the Township. However, some of these if allowed in limited, controlled locations,

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can help to buffer conflicting uses. At the same time, they can help to increase the tax yield of the buffer zone, the economic yield to the property owner and ultimately the tax receipts to the schools and Township. Such transitional uses must adhere to the same high design and development standards as others in order to enhance the overall desirability of the Township as a preferred location and not detract from the value of surrounding property.

For example, multi-family properties are often used as such buffering use between high end housing and highway oriented commercial enterprises. If primarily developed as rentals, they have the tax yield of commercial property, while on average yielding only 0.4 students per dwelling unit to the school system. If primarily developed as “empty-nest” or retirement communities, they provide housing options for seniors that are low maintenance, convenient to services, and almost no drain on the school system. Likewise having a supply of relatively denser and smaller single family homes can serve as a buffer between higher intensity uses such as commercial, office and light industrial. It also expands housing options if appropriate standards are in place.



**Figure V-7: Example of Buffer: Warehouse District to right of road and upscale residential on the left. The developer constructed 10 foot high mounds on both sides of the road, and planted each with rows of shade trees, flowering trees and evergreens. There is a walking path along the residential side connecting to the city park in the background, the warehouse district on past the foreground, and a retail area ½ mile away at the arterial road.**

The Township should undertake the following steps with regard to buffering of incompatible uses:

- The Township should incorporate within its zoning resolution a set of landscaping and buffering standards. Buffering should be performance based, i.e. defining the level of effective screening or physical separation desired between incompatible uses. For example, tall enough and dense enough to

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screen car headlights, simply to provide privacy, or dense enough or distanced enough to mitigate loud noises or air bourn dust or particles. According to the market oriented approach, these standards should provide criteria outlining the necessary degree of buffering that would mitigate and allow an applicant of any type of use to locate on a parcel next to any existing use, without creating nuisance. (However, if the parcel is too small to accommodate that level of buffering, than the proposed use must be denied and locate elsewhere or acquire more land.)

- The Township should allow for a small amount of multi-family housing as a transitional use between commercial/office/light manufacturing and residential subdivisions. These would most likely be located in the southern or eastern regions, close to the major transportation routes.
- The revised zoning resolution should lay out more zoning districts than the Township has currently, allowing for multiple layers of density and intensity; e.g. several types of business districts, several types of residential districts, several types of rural districts, industrial districts, planned unit developments (PUD) and special use districts. By providing specifications for more zoning classifications, it is possible to transition gradually from higher intensity to lower intensity while maximizing the use of land. Where market forces demand abatement of completely different uses, requirements for setbacks and buffering should be increased and stated within the zoning requirements for each district such that the opportunity for conflicts between neighboring uses can still be minimized.

**Figure V-8: Example of high end residential clustered between river bank and reclaimed quarry/lakes, which buffer the density of this small area development.**



### **10. “TREE COMMUNITY PROGRAM”**

As the Township transitions from agricultural use, it should utilize zoning standards and natural resource oriented programs to stimulate the replanting of trees, i.e. develop a “Tree Community Program”. This concept is borrowed from the National Arbor Day Foundation’s Tree City Program®. Though the foundation does not recognize townships for this designation, Millcreek Township can distinguish itself by adopting its principles.

Millcreek Township is characterized by land that was

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once agricultural in use, and thus largely cleared for crop production. As different land uses become more predominant, the Township should support technology and policies that enhance natural resource protection and the overall aesthetic and marketability of the land at the same time. The National Arbor Day Foundation ® points out a number of sources that support the practical benefits of repopulating the land with trees, including:

- Homes and businesses that are newly built on previously cleared fields are susceptible to high energy usage due to the lack of natural wind breaks and shade. “The net cooling effect of a young, healthy tree is equivalent to ten room-size air conditioners operating 20 hours a day.” – U.S. Department of Agriculture. “Shade from trees could save up to \$175 per year per structure in air conditioning costs.” - Dr. Lowell Ponte.
- Homes without trees have a curious appearance of not being anchored to the land, creating a visual intrusion on the landscape. “Landscaping, especially with trees, can increase property values as much as 20 percent.” – Management Information Services/ICMA.
- “Trees can be a stimulus to economic development, attracting new business and tourism. Commercial retail areas are more attractive to shoppers, apartments rent more quickly, tenants stay longer, and space in a wooded setting is more valuable to sell or rent.” - The National Arbor Day Foundation.
- “The planting of trees means improved water quality,

resulting in less runoff and erosion. This allows more recharging of the ground water supply. Wooded areas help prevent the transport of sediment and chemicals into streams.” - USDA Forest Service.

- “In laboratory research, visual exposure to settings with trees has produced significant recovery from stress within five minutes, as indicated by changes in blood pressure and muscle tension.”-Dr. Roger S. Ulrich, Texas A&M University.



**Figure V-9: Street trees planted with grant assistance program. Creates a shady boulevard and softens the effect of buildings and paved surfaces. Grove City, now requires street trees in all new developments.**

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The Tree City Program has four main components:

- Create a Tree Board or Department.
- Adopt a Tree Care Ordinance.
- Implement a Community Forestry Program with an annual budget of at least \$2 per Capita.
- Issue an Arbor Day Proclamation and conduct Arbor Day Observances.

Due to its relatively small size, Millcreek Township can integrate these concepts into other implementation steps of its Plan. The duties of a Tree Board could be set up under a Parks Committee. A Tree Care Ordinance is easily made a part of the landscaping standards this Plan recommends under the revised zoning code. Issuing an Arbor Day Proclamation is merely a matter of political will. Establishment of a Community Forestry Program with an annual budget of at least \$2 per capita will of course require budget adjustments, a volunteer capital campaign or perhaps a corporate sponsor, but could also be a part of a larger parks and open space capital planning effort. Citizen groups could organize Arbor Day observance, which may be as simple as a tree planting ceremony that involves members of the community, a program for planting of trees in memory of loved ones in a Memorial Park, or as in New York City, a program enlisting citizens to find and nominate “Great Trees” of unusual size and age, species or location, or connected with an historic event. Each Arbor Day’s celebration honors the “Great Trees”.

Because reforestation efforts require a great deal of time to demonstrate their impact, sometimes decades until the plantings reach maturity and functional size, the Township must recognize the importance of protecting existing landscape features in addition to promoting an intensive planting program. The Township should also recognize that:

- Existing woodlots and riparian stream banks in the Township are of themselves rare features that warrant protection from clear cutting practices.
- Landscaping standards and development standards must restrict the clearing of healthy trees by developers. By adopting landscaping standards into the zoning code the Township can promote its Tree Community concept, as well as accomplish the buffering needed to minimize the impacts of new development upon the landscape and preserve the quiet rural character.
- The Township should promote the education and voluntary participation on the part of all property owners in programs conducted by the Department of Natural Resources, Soil and Conservation Services and the National Arbor Day Foundation. They often provide saplings of trees and shrubs at low or no cost. Such a model will require the Township to seek out as many opportunities as possible for reintroduction of trees and shrubs when taken out of agricultural use.
- Landscaping and buffering standards of the new

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zoning resolution should stipulate the planting of trees along site boundaries, new subdivision streets (street trees) and extensively in parking lots and other buffer zones.

- Improvements of land set aside for parkland should include tree and shrub plantings in areas not reserved for playing fields. The Township’s revised zoning ordinance and landscaping standards should spell out the desired degree of plantings in various situations, along with a planting list of trees and shrubs that are better suited for use under differing conditions.



**Figure V-10: Wilderness Trace subdivision provides a model of building while retaining existing tree stands. The set back from the road preserves the rural feel of open space. Also note the natural drainage swales.**

### 1. PARKS, OPEN SPACE AND PEDESTRIAN LINKAGES

Open space within a community can have many forms. It may lie within public or institutional ownership, as in public parks or school or churchyard play spaces. It may exist as undeveloped setbacks or un-developable tracts around private property. It may consist of easements donated or purchased for conservation purposes by individual landowners. The Township will encourage the aggregation of expanses of open space for the purpose of community recreation and to retain the spacious, quiet rural character of the community. This will be accomplished through a number of principals and techniques already outlined by this document.



**Figure V-11: Recreational path created along former canal tow path in Piqua, Ohio, links the entire City parks system.**

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As the Township continues to develop, there will be an increasing need to have non-auto oriented pathways linking the community and its natural and social resources.

- New developments shall provide for safe alternative transit for its users that will be easily connected to an evolving interconnecting system of sidewalks and walking/biking paths.
- The stream of Mill Creek and other natural drainage-ways and woodlands will, where possible, be sought for incorporation into the open space and pedestrian linkage system.
- The Township will plan for and provide additional recreation space as needed with increased population growth, to achieve national standards. The location of future parks might include unique landmarks, shared playground space with future schools or dedicated (transferred to Township ownership) open space from developments as part of mitigation of impacts from growth.
- The Township will also promote the use of transfer of development rights (TDR) and donations of easements (scenic, conservation, agricultural, historic) as methods to maintain the pastoral visual quality of the township. The Ohio Department of Agriculture offers a high level of protection and options for continued use of property held in conservation easement. It also actively promotes the use of TDR as a way for farmers to realize increased economic return from their property while still being able to conduct agricultural activities. Heritage Ohio, Inc. provides

services, including the holding of facade easements on historic buildings. The National Trust for Public Land provides education, support and sometimes financing to obtain and protect significant tracts of property. Local land trusts may be created in Ohio, and the Township should explore supporting such a group if proposed in the future.

- The Township will explore the creation of a citizen based Parks and Open Space Committee to help coordinate the acquisition and development of parks and trails and could serve as the oversight committee for the Tree Community Program.

### 12. HOME BASED ENTERPRISES

Rural communities are particularly conducive to small and home based enterprises. These types of businesses are expected to play a larger role in the American economy in the future. The Township will be supportive of such endeavors, but these endeavors will be subject to the same requirements for preventing nuisance through buffering and mitigation of impacts as dictated in the zoning resolution regulating the size and intensity of home based enterprises and stipulating the buffer between land uses. The zoning resolution will be reviewed and updated to insure that requirements and buffers are sufficient to protect neighbors from such enterprises. The zoning resolution will also be reviewed and updated with regard to signage, parking and traffic generated by a home based enterprise.

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### 13. TRANSPORTATION NETWORK AND ACCESS MANAGEMENT

The tremendous public investment in traffic-carrying facilities including streets, highways, and expressways must be protected by preventing indiscriminate access and strip development. Development requests, including rezoning requests of land abutting major roads, will be denied if the proposal's traffic control features are not adequate as determined by the Union County Access Control and Thoroughfare Plan or through quantitative analysis by the Zoning Commission and / or Township Trustees.

The Union County Engineer uses the Ohio Department of Transportation (ODOT) functional classification system as a management tool, to establish possible funding sources and standards for maintenance and design. Roads have two main functions: land access and traffic mobility. Arterials are roads that function mainly to move traffic, and local roads serve mainly to provide access to uses of land. There is a further distinguishing between principal arterials and minor arterials. Principal arterials serve statewide or interstate travel as well as major activity centers and high volume corridors. Minor arterials connect cities and towns, supplementing the principal arterials. Expressways and freeways exhibit higher rates of speed, more through traffic and controlled access. Collectors and local roads should have little through traffic and slower speeds, particularly providing access to homes.

Millcreek Township consists almost entirely of local roads at this time. The obvious exceptions are U.S. Route 33 and U.S. Route 42. Route 33 is designed and functions as a

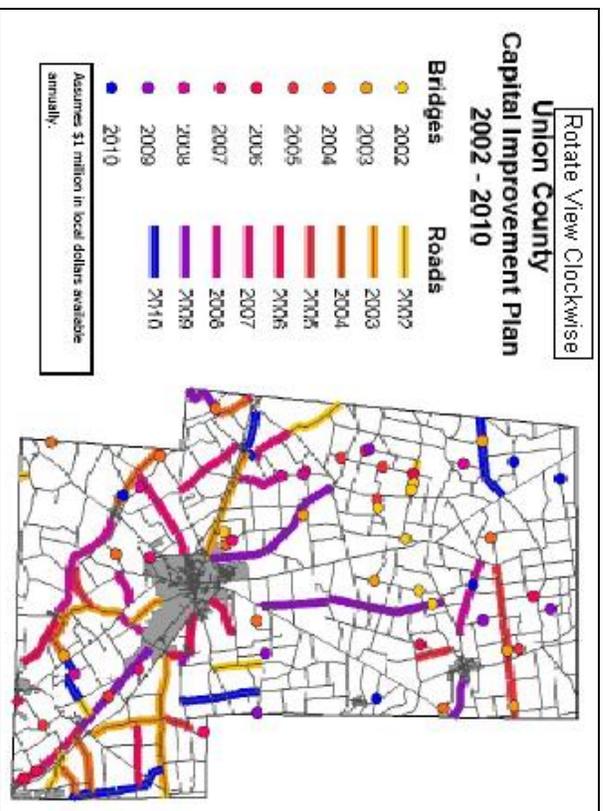
controlled access freeway as it traverses Millcreek Township to its west. Route 42, on the other hand serves as an arterial but with heavy volume and high speeds that may already exceed its design capacity. Any large scale developments within Millcreek Township will most likely require the construction of local roads to open up the development sites as well as the improvement of roads to serve as collectors and minor arterials to provide access to the U.S. Routes.

At this time, the Union County Engineer shows only one planned road improvement, the realignment of Harriott Road to connect with Derio Road at Watkins-California to improve traffic flow there as development occurs. However, this project is not yet scheduled in the capital improvements plan. Outside of Millcreek Township, to the south, an extension of HOME Road is contemplated to serve as an east-west connector and Hyland Croy Road northward in an anticipated growth area. If and when constructed, these may relieve some of the traffic now seen at Jerome Road and U.S. Route 42. This project is also not currently in the County's Capital Improvements budget. The reader is advised to contact the County Engineer for the most recent updates to the Capital Improvements Plan. A new Future Roads Plan is being developed at the current time that will affect parts of Millcreek Township.

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Figure V-12: 2002 Union County Capital Improvements Plan.



To the southwest of the Township, ODOT is beginning the planning and engineering for a realignment of U.S. Route 42 around Plain City. This project will have the effect of enhancing the flow of truck traffic between I-70 and U.S. Routes 33, 23 and I-71. When completed, this project will probably lead to an increase in volume and speed of the already heavy truck traffic on Route 42.

The Township should adopt the following policies in order maintain safe and orderly flows of traffic:

- In keeping with Market Oriented concepts, the Township

should closely examine the traffic impacts of proposed developments. The costs of improvements to mitigate these impacts should be borne by the developers.

- All non-residential developments and large scale residential developments shall be located with direct access to an improved designated major thoroughfare or near major interchanges. The intensity of land use changes must be controlled to keep traffic volume from exceeding the design capacity of any thoroughfare.

- Zoning setbacks should be adjusted for Route 42, Watkins-California Road and Harriot Road to protect future right-of-way needs for widening these roads in the future.

- Internal private roads and easements may be considered as an alternative to dedicated public roads by developers making good use of conservation development concepts.

- Encourage the use of Common Access Drives (CAD) for adjoining home sites created by "lot splits". (See Section 6, Hamlets and Village Style Development, above.)

- Leapfrog development proposed to bypass active farms should show how traffic will be diverted away from the roads in use by wide and slow moving farm equipment.

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### 14. CHECK LIST ANALYSIS

To promote a systematic review of development proposals, variances and all rezoning amendments, the Zoning Committee and the Trustees may use answers to the following questions to aid in their analysis and decision making:

1. Is the proposed development (or change) consistent with the Township's vision?
2. Is the proposed development (or change) contrary to the future land use plan?
3. Is the development (change) contrary to the established land use pattern?
4. Will approval be a deterrent to the improvement or development of adjacent property in accordance with existing plans and regulations?
5. Would change create an isolated, unrelated district?
6. Would change alter the population density pattern?
7. Will the proposed development increase the load on public facilities beyond reasonable limits (water, sewers, streets, schools, etc.)?
8. Are the development boundaries logically drawn in relation to existing conditions?
9. Have the basic land use conditions changed since the Comprehensive Land Use and Growth Plan was prepared?
10. Will the change adversely influence living condition of adjacent properties and those already in the surrounding area?
  - Create or appreciably increase traffic congestion or hazards?
  - Create or appreciably increase noise levels to the point of nuisance?
  - Create or increase exposure to dust, fumes, toxins or airborne particles that are hazardous to those living or working nearby?
  - In any way impact the health, safety, general welfare, quality of life or normal use and enjoyment of adjacent properties and the neighborhood?
  - Attract elements to the site that would be dangerous to adjacent properties and the neighborhood?
  - Seriously affect the natural character of the land to the point of creating potential hazards; including but not limited to, soil erosion, creation of flooding hazards, contamination or disruption of the water supply, disruption of sanitary disposal equipment?
11. Will the proposal constitute a grant of a special privilege to an individual which will not be granted to others? Does the proposal create special privilege at the expense of the general welfare?
12. Are there reasons why the property cannot be used as it is presently planned or zoned?

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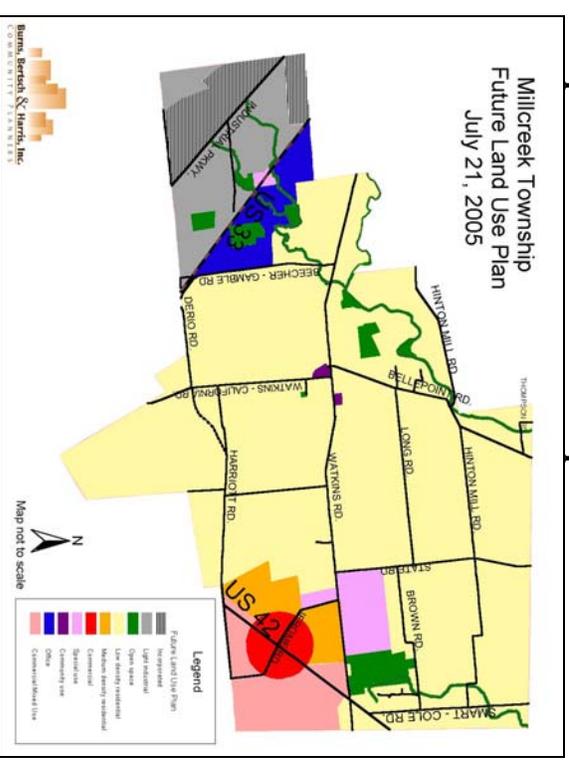
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13. Are there alternative undeveloped sites that are more appropriate for the proposed use(s)?
14. Is the change out of scale with the area's needs? The neighborhood's needs? The Township's needs? The region's needs?
15. Are the proposed uses adequately buffered, via distance, landscaping, fencing or a combination of any or all, to prevent nuisance to neighboring occupants or to occupants of planned uses of the neighboring land in the future?

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The Township is not expected to see the same rates of growth or the same demand for various types of growth. It seems to suggest that there will be four regions, or Planning Areas, that may deserve separate analysis. Many of the recommendations are the same or similar for each. However, certain recommendations are going to have more relevance in some areas, depending on growth pressures and future decisions of individual land owners.

Composite Future Land Use Map

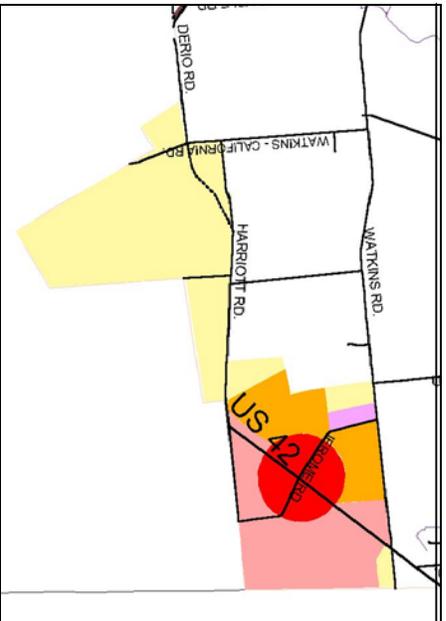


*\*Please note that the maps of all planning areas show roads and other edges that appear to be boundaries delineating a land use district. These are merely approximations used for mapping convenience and are not intended to be specifically limiting to the various land uses.*

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### SOUTHEAST PLANNING AREA



**Figure V-13: Approximate area of Southeast Planning Area.**

This is roughly the Southeast corner of the Township, in the area surrounding the intersection of U.S. Route 42 and the major north-south connector known as Jerome Road. A large landowner in this area has openly declared an interest in developing their property, and has gone so far as to acquire a strip of business class zoning at a depth of 500 feet on both sides of the roadways under the current zoning classification (the zoning code will be revised in 2005). East of State Road and extending past the intersection of Jerome Road and Watkins Road, Shelly Materials Company has acquired a significant amount of acreage that is intended for eventual expansion of their quarry operations. Water service is potentially available from Del-Co in Delaware County, as well as from Marysville and Columbus, and is therefore not a barrier to development.

High speed and heavy truck traffic is a barrier to effective development along Jerome Road between Watkins Road and U.S. Route 42. Similarly, Watkins Road and U.S. Route 42 are used heavily by trucks. Extensive road improvements would be necessary to insure the safety of future residents and users of commercial property developed in the area. In particular, Jerome Road and the intersection of Jerome Road with Route 42 should be considered for widening and improvement. See Section 13 above, Transportation Network and Access Management.

However, near Bell Road, the property is still in agricultural production and the ability to continue farming operations peaceably needs to be protected. Likewise, south of Harriott Road, the current land uses and intentions of some property owners indicates future transitions from agricultural uses, though seemingly not at an even pace. This sector is also quite similar to the conditions and challenges as described for the Central Planning Area, but with significantly higher development pressure due to proximity to major transportation and recent plans announced by developers. Jerome Township has designated Watkins-California Road lying north of Route 42 as a manufacturing district. Therefore, at the borders shared with Jerome Township in this area, Millercreek Township will have to designate higher buffering requirements for any future developments that may someday about substantially differing uses in Jerome Township.

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The major characteristic of the Southeast Planning Area is that it is under significant development pressure. Its location and current zoning and usage along Jerome Road also creates an opportunity for the community to realize higher tax generation from higher intensity uses that can be confined at the outskirts of the township, minimizing traffic intrusion into the center of the Township. The Township must increase tax revenues for both it and the schools in the face of increasing population. Therefore, it should maximize its opportunities in this area. Best practices in land use planning will allow for a mixture of complementary uses in this area, with the most intense uses and high densities encouraged at the locus created at Jerome Road and U.S. 42. The principle of buffering will create a transitional sector around this intense area that will gradually step down the permitted intensities of uses as well as densities. Landscaping and set back buffering requirements will be extensive in all cases, but will increase as uses transition to the lowest density housing and agricultural uses at the western edges of this planning area.

### *Southeast Planning Area Recommendations:*

1. The land use designations shown on the map are not intended to be rigidly applied to specific parcels, but only to demonstrate a general are where particular uses, if developed could be consistent with the community's vision.
2. Highway improvements at the intersection of Jerome Road and U.S. 42 must occur in pace with or prior to construction of the commercial center. These will likely include traffic lights and road widening with turn lanes. In particular, Jerome Road and the intersection of Jerome

Road with Route 42 should be considered for widening and improvement.

3. Protect future right-of-way needs for widening and improvements in the Jerome Road, Watkins-California Road, Harriott Road and U.S. 42 corridors.
4. The commercial center must include an internal circulation system that can be linked with adjacent developments with new public collector streets and keeping local traffic separated from through traffic.
5. Utilize traditional town development features:
  - Allow the commercial center to consist of a mixture and variety of uses, including some upper story residential, and to have wide latitude in building height and bulk.
  - Demand high quality design in buildings, and fixtures (lighting, benches, trash bins) and landscaping of grounds and parking facilities.
  - Screen and locate parking facilities so they are not the prominent feature, but are accessible and easy to find.
  - Retain, reuse and integrate historic farm houses and barns into the project design, especially the Conklin Dairy Farm.
6. In the short term, major residential developments should mostly be kept to the south of US 42 in this

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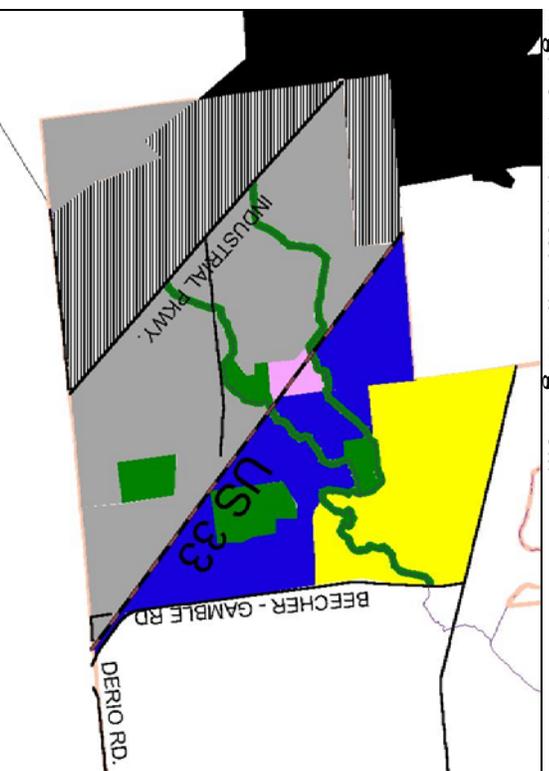
## V PLANNING AREAS & RECOMMENDATIONS

area, unless safe access can be designed, most likely with new collector streets.

7. Retain a long term perspective for upscale or recreational re-use of the quarry site. In the short term, re-zone it for special uses, with only the continuation of the existing operation to be permitted as of right.
8. With the extension of water and sewer service, residential densities of up to 3 units per acre could be tolerated with appropriate reservations of open space and conservation site design and layout.

### WEST PLANNING AREA

Figure V-14: West Planning Area.



The boundaries of this area are also approximate, but consists of the area generally to the west of Beecher-Gamble Road and south of Watkins Road. This area is transected by U.S. 33, a major transportation corridor, which has limited crossing points in the Township, and currently no actual interchange in the Township. Although the lack of direct access to U.S. 33 is somewhat limiting to development, it could be created, and access is currently not so far away as to create any real disincentive. For example, the State of Ohio owns right-of-way at the center of this stretch which is used as a rest area but which could be developed into an interchange. This area has been noted as “Special Use” on the Current Land Use Map on page 16. Other potential locations for new interchange development include the area currently around Derio Road and Beecher-Gamble Road, or slightly to the south if realignment of Derio Road should occur. Should the State of Ohio designate actual plans for an interchange in Millcreek Township, the Township may wish to revisit and create more detailed land planning around the interchange.

Currently part of this area is zoned for industrial uses. Industrial uses have already developed in the corridor of U.S. 33, although were annexed to Marysville. The annexed area and U.S. 33 itself have physically isolated the extreme western edge of the township from the rest. The City of Marysville acquired 100 acres of property for a new state-of-the-art waste water treatment facility at the southern extreme, just west of Beecher-Gamble Road. These factors again present an

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opportunity for the Township to locate uses that will generate significant tax income for the schools and the Township operations. And again these will be located at the outskirts of the Township, minimizing traffic inflows into the less densely populated areas, and minimizing the need for further road improvement projects.

These properties have prominent exposure to U.S. Route 33, and the Township should exercise care to create developments that convey an image that will help to attract major corporations and institutions that desire the exposure. Excellent examples are the campuses created by Scotts in Marysville or Cardinal Health in Dublin.

**Figure V-15: Scotts Company Campus viewed from Watkins Road.**



But also important is the fact that a fork of Millcreek itself winds northward through this area with at least four significant wood lots. The stream corridors have been identified in the 1998 Union County Comprehensive Plan Update as presenting long term opportunities for recreation corridors. Whether or

not easements are ever obtained to develop pathways, these corridors and woodlots represent an important area needed for erosion control and water protection. Protection measures discussed in the General Recommendations, above, that include development setbacks, reforestation efforts and planting of vegetative cover will serve a second but equally important purpose of maintaining a rural aesthetic.

The area between U.S. Route 33 and Industrial Parkway still contains working farms and several historic farmsteads. As the area develops, care must be taken to insure that working farms can continue operations unimpeded. Historic farmhouses and other structures should be documented and be encouraged to be adapted and reused in the future, to maintain the Township's heritage.

Thoughtful site planning must be required of developers in this area to protect these natural and historic features and will not be a hindrance to creating highly attractive and desirable projects.

### *West Planning Area Recommendations:*

1. Create a zoning designation for upscale office, professional, educational, research facility and supportive uses.
2. Retain and reuse or move historic structures.

# COMPREHENSIVE LAND USE and GROWTH PLAN

## V PLANNING AREAS & RECOMMENDATIONS

3. Protect stream corridors from development encroachment.
4. Adopt a “Tree Community” program that limits the clearing of standing trees to only the amount absolutely necessary.
5. Create landscaping requirements for buffer areas to produce a green and rural aesthetic.
6. Require appropriate road improvements to ensure safe transit for local and through traffic as development occurs.
7. Develop partnerships that will act as a county parks system to acquire and manage wetlands, woods, riparian corridors and other parkland.
8. Continue dialogue with Marysville and the Route 33 Partnership to advance the use of CEDAs and JEDDs to collaborate in the development of this area; creating high quality employment centers and retaining the Township’s autonomy.

### CENTRAL PLANNING AREA

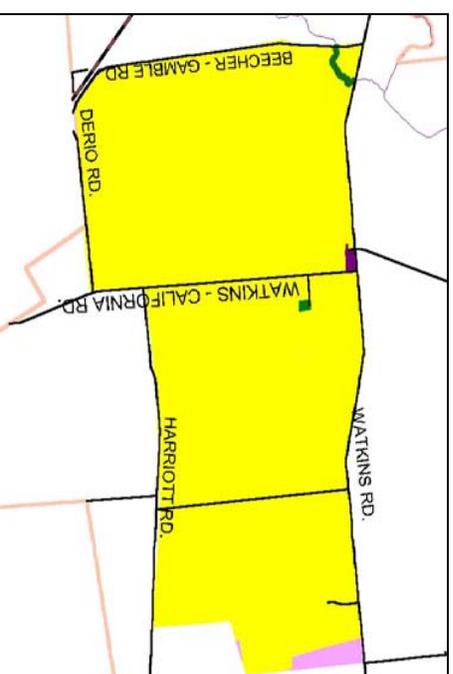


Figure V-16: Central Planning Area.

This is the area of mostly agricultural land lying in the southern reaches of the Township between the South East Planning Area and the West Planning Area; that is, roughly between Beecher Gamble Road to near State Road if it were extended directly south toward Harriott Road. This area contains farms, a few home-based hauling business operations and a large number of rural-residential home sites. A long established settlement, known as Watkins, consisting of housing, a few small businesses and a small church, exists near the intersection of Watkins-California Road and Watkins Road.

The southwest corner of this intersection contains a brick structure that once served as a school. It is currently privately owned for a home and small business. In the distant future, with a change in ownership, this

# COMPREHENSIVE LAND USE and GROWTH PLAN

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## V PLANNING AREAS & RECOMMENDATIONS

location could be appropriately considered for redevelopment as a community oriented facility, services or light commercial use.



This is an area that could potentially be attractive to residential developers, as well as purchasers of lot-splits for home sites. But there also exist working farms that could suffer significant interference from residential developments. Residential development will attract commuters and associated high traffic loads on narrow roads as well as new residents that may enjoy open vistas created by adjacent farms, but will not be so understanding of periodic odors, dust, possible chemical over-sprays carried on the wind, not to mention slow moving machinery and late night harvesting. Farming is currently the most important industry of Millcreek Township, and has been shown to “pay for itself” in terms of tax revenue versus public service cost. As such, it remains an important component of the Millcreek Township economy and culture. These conditions and challenges also exist in the “peninsula” of land located generally south of Harriott Road.

There are two primary planning challenges for this area: one will be that of accommodating for development that will result as some property owners liquidate their assets, but also providing the security that long established farms can safely continue operations without harassment. Thus the focus of planning for the Central Area will be establishment of buffering, setbacks, transportation improvements and alternate routes sufficient to secure unimpeded farming operations for so long as they choose to exist.

The second challenge for future development is the number of established homes. Future development might require the widening or other improvement of roads and the installation of underground utility lines across already developed properties. Acquiring right-of-way for such improvements could prove expensive.

### *Central Planning Area Recommendations:*

1. Promote the use of Farm Bureau Programs to erect “warning” signs opposite developing property that advise new residents about the potential impacts of farming activity in their area.
2. Adopt changes to the zoning administrative procedures requiring notices to be posted by signs on property where zoning changes have been requested.
3. Consider amendments to the administrative procedures of the zoning resolution to provide better

# COMPREHENSIVE LAND USE and GROWTH PLAN

## V PLANNING AREAS & RECOMMENDATIONS

enforcement of conditional use stipulations, providing strict limitations on the use of conditional use permits and limitations on the ability to expand home-based or other enterprises operating with conditional uses.

4. Retain historic farm homes and barns to be reused and integrated into new project designs. Adopt a zoning requirement to obtain demolition permits in order to review such plans and develop mitigation actions.

5. In the distant future, with changes in ownership, the area of the intersection of Watkins Road and Watkins-California Road could be appropriately considered for location of community oriented facilities, community services or light commercial.

6. Develop a land dedication requirement for large developments that will include parkland and land for schools. Fees in lieu of land may be collected where appropriate land on site is not available. Such fees must be used exclusively to purchase or improve desirable parkland or school sites.

- Recommended rates would be approximately 1.5 acres of parkland and 6.5 acres of school property for every 100 homes constructed. School lands should be aggregated in 25 acre plots.

7. Require developers to use best practices in soil erosion and storm water control measures, in the design and construction of projects.

8. Require developers to perform traffic impact analysis, in conformance with generally accepted standards, make road improvements on local roads that will eliminate conflicts with slow moving farm machinery and allow for safe access and egress from high traffic roads.

9. Rural zoning designations should require minimum 5 acre lots for all new residential lot splits. (Those currently existing with less will be acknowledged as “non-conforming” uses.)

10. Developments with water and sewer services can develop at higher gross densities, approximately 0.5 dwellings per acre, and should utilize land conservation design principals, e.g.:

- Requirements to preserve significant natural and historic features and vistas.
- Requirements of a significant portion of open space, excluding roadways and yards, equal to at least 50% of the site.
- Encourage partnerships that allow the productive use of open space for not only recreation but also for equestrian use, orchards, grazing, hay fields and other low intensity agricultural use.
- Requirements that housing face scenic roads, and not be oriented with the backs of structures immediately adjacent to any roadway unless

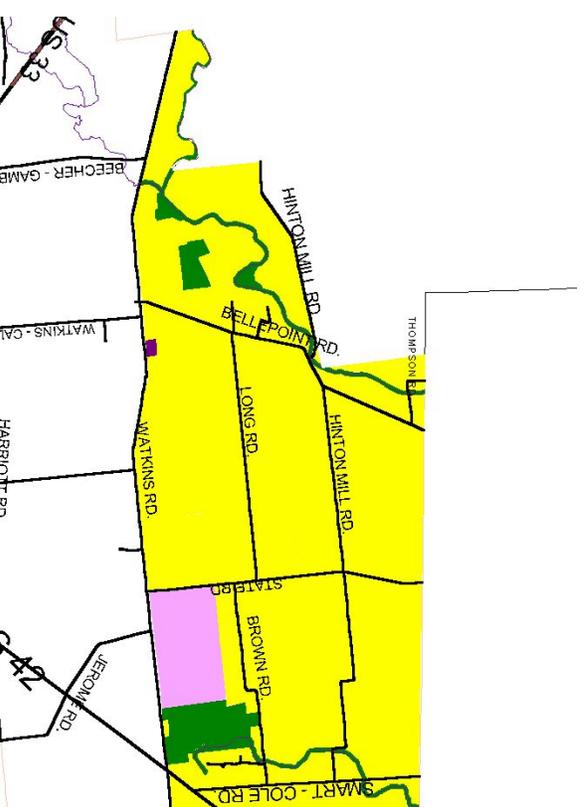
# COMPREHENSIVE LAND USE and GROWTH PLAN

## V PLANNING AREAS & RECOMMENDATIONS

significantly landscaped at the edge of the property.

- Requirements that a significant portion of home sites have direct access or frontage to the open space; a range of 50-75%.
- Allow flexibility to deviate from the ranges where a significantly better project design can be achieved- for example if all open space was to be located between the main roadway and the home sites, creating a significant setback and open vista, or if topography and stream buffering prevents full compliance.
- Create an incentive program within development plan approval allowing for more home sites in exchange for the creation of greater amenity than required. The program would provide for a weighted system of evaluating amenities and stipulate the number of additional lots that are achievable.
- All new developments should have space reserved for a direct connection and access to a future neighboring development. Enclave style, gated communities are not to be created, but rather integrated neighborhoods that flow together.
- Entrances to subdivisions are not to be marked with monuments or signs except for temporary signs during the initial sales and build out period.

### NORTH PLANNING AREA



This planning area generally covers the northern half of the Township, extending east to west to the Township boundaries. Currently, this area is mainly characterized by farm land that has been fringed with large lot home-sites along the roadways; in particular along Beecher-Gamble Road, State Road, Long Road and Smart-Cole Road. The currently working quarry owned by Shelly Materials lies in this district north of Watkins Road, extending to just south of Brown Road, on State Road. The land that they own contains a fallow parcel that abuts the Wilderness Trail subdivision. Special planning considerations for the quarry site are discussed later.

# COMPREHENSIVE LAND USE and GROWTH PLAN

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The Wilderness Trail subdivision is heavily wooded. Other significant woodlots and stream corridors exist at the northern extremity of Smart-Cole Road on the east, and the continuation of Millcreek at the west side of this planning area. The landscaping provisions of the plan seek to preserve these resources and uses.

The planning focus for this area will use techniques similar to those of the Central Planning Area, however the expected development pace will be slower than other portions of the Township. Although development will be permissible within the policies of a Market Oriented Planning Approach, the short term will probably see continued demand for large lot home-sites along roadways that border interior farm fields.

The quarry site will remain operational for the foreseeable future, but may eventually be “worked out”, with or without expansion south of Watkins Road. Shelly Material has provided some visual buffering through the construction of high mounds that are well planted along State Road and Watkins Road, however the mounds on the north side of the pit are not planted and showing signs of extensive erosion. For the immediate future, the operations remain intense, with night operation, a high level of truck traffic, blasting and fears of impact on the water table. The quarry provides the Township’s other major industry with jobs and taxes. So long as the company continues efforts to be a good neighbor to the community, they should be embraced, but given wide berth from encroachment of residential development. No additional residential development should occur within a least a mile of the operations, and certainly not without a public water supply.

Short term development options close to the quarry must be given close attention to the need for a high level of buffering and have a dependable and safe water supply. Long term options for reuse of the site will be defined by the radical change in the original landscape, the large pit, and whether or not the pit will hold water and at what depth. Throughout Ohio, where large water features are very few, abandoned quarry pits have created spectacular topography as a central feature in various parks, resorts and high end housing developments. The Township should consider revising the quarry lands from an industrial zoning classification to a special use zoning district that will still allow the quarry to function, though as the only permitted industrial use and stipulate that any other use in the future will require a conditional use permit to be able to be assured of maximizing the unique qualities of the site.

Shelly Materials has indicated that it may be willing to donate the fallow parcel between it and Wilderness Trace for parkland, maintaining the buffer for this subdivision. The Township should pursue options for creating this parkland, whether through ownership by the Township, a County wide park district, or by a not-for-profit group that may be willing to maintain a park for a public service activity. Rotarians, Lions Clubs and veteran’s groups often maintain such parks. Another option might be for the Township to take ownership, but lease it at a favorable rate to a church or private recreation club for recreational purposes.

# COMPREHENSIVE LAND USE and GROWTH PLAN

## V PLANNING AREAS & RECOMMENDATIONS

### *North Planning Area Recommendations:*

1. In areas not served by public water and sewer, the minimum lot size should not be less than five (5) acres.
2. Where public water or sewer become available, rezoning to a district or PUD utilizing conservation design principles, as described for the Central planning area should be the method used.
3. Promote the retention and reuse or relocation of historic structures.
4. Protect stream corridors from development encroachment.
5. Adopt a “Tree Program” that limits the clearing of standing trees to only the amount absolutely necessary. Further landscaping requirements of buffer areas to produce a green and rural aesthetic.
6. Require appropriate road improvements to ensure safe transit for local and through traffic as development occurs.
7. Develop partnerships that will act as a county parks system to acquire and manage wetlands, woods, riparian corridors and other parkland.
8. Discourage further residential development within one mile of the quarry while in operation.
9. Rezone the quarry site to a special use district.

10. Pursue options for accepting the donation of buffering land as parkland around the quarry.

11. Use “Tree Program” (see West Planning Area) and National Arbor Day Foundation initiatives to assist Shelly Materials in acquiring and planting northern mounds to control erosion and create a visual enhancement.



### **IMPLEMENTATION: SUMMARY RECOMMENDATIONS:**

#### **GENERAL**

1. Market Oriented Planning Approach
  - A market orientation responds to the market demand for land and land uses.
  - This orientation places the responsibility for

# COMPREHENSIVE LAND USE and GROWTH PLAN

## V PLANNING AREAS & RECOMMENDATIONS

absorbing costs for the impacts of development upon the developer/ landowner; such as the cost of providing community services, for example, parks and recreation, public water, wastewater treatment, transportation improvements, schools, police, fire and EMS protection as well as general governmental functions.

- Developer/ land owners must notify all neighbors and others in the region impacted by the proposed project so that they may provide comments.
- The developer / land owner must modify the project to mitigate identifiable and measurable impacts as well as consideration of external costs caused to the community or neighbors by the project. (See other related strategies below.)
- Performance bonuses may be applied to provide incentive for inclusion of desirable characteristics.
- Property owners and developers must pay the full financial burden of extending utilities and infrastructure, including roads to the site. Payments “in-lieu-of” building the infrastructure may be accepted if the needed infrastructure would be logically oversized to accommodate additional future growth that would be expected in that resulting service corridor.
- The community accepts the responsibility for specific planning for public sector services and facilities pertaining to requirements on the developer for paying for such services and infrastructure. The community or the Union County Engineer shall establish minimum standards in all cases.
- Process improvements, to the extent permitted by the Ohio Revised Code, will be incorporated to reduce the administrative burden upon the property owner / developer.

In no way is this principal to be construed in any way that interferes with the community’s ability to fully review and investigate a proposed development.

2. Seek land donations
  - For parks totaling at least 1.5 acres for every 100 dwellings constructed.
  - For schools totaling 6.5 acres for every 100 dwellings constructed.
  - Other community facilities – cemeteries
3. Create an Agricultural Security Committee
  - Link farmers with existing programs, new product ideas and resources to increase profitability
  - Provide advisory assistance to and encourage land owners that sell off parcels for home lots, to adopt traditional “Hamlet” style layouts of their parcels; discouraging stripping out parcels along the road right-of-way.
  - Encourage the use of shared access, or common access drives (CAD). An example of the concept is Gibson Drive in Millcreek Township. Common access drives must still meet minimum functional and safety design requirements which the Union County Engineer would stipulate.
  - Develop incentives for use of hamlet style lot layouts
  - Coordinate use of Farm Bureau notice signs for use in developing areas
  - Advise the Township on proposals and issues that threaten the conduct of agricultural activities

# COMPREHENSIVE LAND USE and GROWTH PLAN

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## V PLANNING AREAS & RECOMMENDATIONS

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- Explore the development of a Transfer of Development Rights System to provide market incentives for preservation.
  - Easement donation programs to provide market incentives for preservation. These programs can be developed on a County/ regional basis with cooperative efforts.
4. Conservation Developments practices are preferred for all development.
    - All residential development should require significant (25% to 50% or more) where feasible open space. . Promote or require direct access and contact of a majority of the created residential lots with the provided open space.
    - Use buffering to mitigate adverse effects between neighboring uses.
    - Natural and historic resource protection.
    - Diverse offerings of housing styles and features.
    - Reduce impervious surfaces to reduce impacts on hydrologic system.
  5. Revise the Zoning Resolution, Process and Zoning Map.
    - Develop more zoning districts with more closely defined classifications and permitted uses.
    - Consider allowing limited multifamily housing as a conditional use if near commercial centers or U.S. Highway Route access.
    - Secure sufficient land for tax generating uses; industrial, office, commercial.
    - Utilize zoning variances and PUD's as incentives to produce higher quality development.
- Explore use of Special Assessment Districts to accommodate development project needs.
  - Require buffering between different or incompatible land uses and to protect privacy and rural atmosphere.
  - Use transitional land uses and densities as a buffering technique.
  - Explore creation of a Demolition Permit process to encourage the reuse of historic resources.
  - Adopt the use of a Checklist Analysis format to evaluate future development, rezoning, or variance requests.
  - Increase minimum lot size of lot splits to at least 5 acres in all zoning districts.
  - The revised zoning resolution should proactively eliminate the demand for Conditional Use Permits. Furthermore, the revised resolution should amend the process to more effectively administer and enforce conditional use stipulations.
  - Adopt limited design standards for new construction, e.g.:
    - No "snout" houses; limit distance garages can extend beyond the front door of a house.
    - Limit the proportion of linear dimension of garage door to front width of a house; approximately 1:3.
    - Allow for technical innovation, variety and creativity.
6. Impact Analysis Requirement.
    - Any proposed development shall require the

# COMPREHENSIVE LAND USE and GROWTH PLAN

## V PLANNING AREAS & RECOMMENDATIONS

submission of a Community Impact Analysis. This quantitative analysis must address the effects which the proposed development might have on the health, safety, general welfare and the quality of life in the Township.

1. Continue Intergovernmental Cooperation.
  - Explore use of CEDA or JEDDs.
  - Rt. 33 Corridor Planning.
  - Coordination with County and regional parks boards.
  - Work with County Engineer during revision of County Subdivision Regulations.
  - Work with County Economic Development Director to recruit office, research and educational users to the Rt. 33 Corridor.
  - Advocate for the creation of an “Environmental Court” at the County level to support code enforcement effectiveness.
2. Buffering.
  - Address buffering standards in the zoning resolution. The amounts of buffering will vary depending on what the neighboring uses are/ or will be.
  - Allow creative buffering mechanisms that are effective and attractive.
  - Integrate buffering and landscaping standards.
3. Create a Tree Community Program.
  - Create a Tree Program Committee.
  - Adopt a tree care component and recommended tree list in the landscaping standards.
  - Insure landscaping standards in zoning resolution include tree planting in new developments.

- Adopt a nominal “seed” budget.
  - Issue an Arbor Day Proclamation.
  - Conduct Arbor Day observances.
  - Conduct educational activities to encourage tree planting.
  - Conduct projects to plant trees each year in public spaces.
  - Create a Parks & Open Space Committee that:
  - Assists in planning for park improvements.
  - Coordinates with County and regional parks boards on developing an integrated system of walking paths and green spaces linking the entire Township, and together develop partnerships that will act as a county parks system to acquire and manage wetlands, woods, riparian corridors and other parkland.
  - Promotes voluntary dedication of easements and land for recreation and open space use.
  - Coordinates “Tree Community” Program initiatives.
11. Support the establishment and operation of home based businesses.
    - Prevent nuisance through strong control of buffering and mitigation.
    - Prevent the establishment of businesses that when located in a residential lot are out of compliance with the usual buffering requirements that would be required in a commercial zone between that business and the neighboring properties.

12. Transportation and Access: Permit only

# COMPREHENSIVE LAND USE and GROWTH PLAN

## V PLANNING AREAS & RECOMMENDATIONS

development requests that are adequate as determined through impact analysis.

- All development must at a minimum comply with County Access Control and Thoroughfare Planning.
- Permit developments only if design capacity of thoroughfares will not be exceeded.
- Non-residential developments shall be located with direct access to an improved major thoroughfare.
- Private roads may be allowed in discreet conservation developments.

### **PLANNING AREA RECOMMENDATIONS:**

#### *Southeast Planning Area Recommendations:*

1. Highway improvements at the intersection of Jerome Road and U.S. 42 must occur in pace with or prior to construction of the commercial center. These will likely include traffic lights and road widening with turn lanes. In particular, Jerome Road and the intersection of Jerome Road with Route 42 should be considered for widening and improvement.
2. Protect future right-of-way needs for widening and improvements in the Jerome Road, Watkins-California Road, Harriott Road and U.S. 42 corridors.
3. The commercial center must include an internal circulation system that can be linked with adjacent developments with new public collector streets and keeping local traffic separated from through traffic.
4. Utilize traditional town development features.
5. Allow the commercial center to consist of a mixture and variety of uses, including some upper story residential, and to have wide latitude in building height and bulk.
6. Demand high quality design in buildings, and fixtures (lighting, benches, trash bins) and landscaping of grounds and parking facilities.
7. Screen and locate parking facilities so they are not the prominent feature, but are accessible and easy to find.
8. Retain, reuse and integrate farm houses and barns into the project design, especially the Conklin Dairy Farm.
9. Adopt a “Tree Program” that limits the clearing of standing trees to only the amount absolutely necessary. Further landscaping requirements of buffer areas to produce a green and rural aesthetic.
10. Major residential developments in the area of the intersection of US 42 with Jerome Road must have safe access designed, most likely with new collector streets.
11. Retain a long term perspective for upscale or recreational re-use of the quarry site. Re-zone it for special uses, with only the continuation of the existing operation to be permitted as of right.

# COMPREHENSIVE LAND USE and GROWTH PLAN

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## V PLANNING AREAS & RECOMMENDATIONS

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12. With the extension of water and sewer service, residential densities of 3 units per acre or higher could be tolerated with appropriate reservations of open space and conservation site design and layout.
13. Create a zoning designation for upscale office, professional, educational, research facility and supportive uses.
14. Protect stream corridors from development encroachment.
15. All new developments should have space reserved for a direct connection and access to a future neighboring development. Enclave style, gated communities are not to be created, but rather integrated neighborhoods that flow together.
16. Entrances to subdivisions are not to be marked with monuments or signs except for temporary signs during the initial sales and build out period.

### *West Planning Area Recommendations:*

1. Use a zoning designation for upscale office, professional, educational, research facility and supportive uses.
2. Retain and reuse, or move historic structures.
3. Protect stream corridors from development encroachment.
4. Road improvements at the must occur in pace with or prior to construction of the commercial center. These will likely include traffic lights and road widening with turn lanes. Beecher Gamble Road and perhaps Watkins California Road should be considered for widening and improvement pending development plans.
5. The commercial/office center must include an internal circulation system that can be linked with adjacent developments with new public collector streets and keeping local traffic separated from through traffic.
6. Demand high quality design in buildings, and fixtures (lighting, benches, trash bins) and landscaping of grounds and parking facilities.
7. Screen and locate parking facilities so they are not the prominent feature, but are accessible and easy to find.
8. Adopt a “Tree Community“ program that limits the clearing of standing trees to only the amount absolutely necessary.
9. Use landscaping requirements for buffer areas to produce a green and rural aesthetic.
10. Require appropriate road improvements to ensure safe transit for local and through traffic as development occurs.
11. Continue dialogue with Marysville and the Route 33 Partnership to advance the use of CEDAs and JEDDs to collaborate in the development of this area;

# COMPREHENSIVE LAND USE and GROWTH PLAN

## V PLANNING AREAS & RECOMMENDATIONS

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creating high quality employment centers and retaining the Township's autonomy.

12. Major residential developments in the area must have safe access designed, most likely with new collector streets.

### *Central Planning Area Recommendations:*

1. Emphasize work of Agriculture Preservation Committee to promote the use of Farm Bureau Programs to erect “warning” signs opposite developing property that advise new residents about the potential impacts of farming activity in their area. Promote adoption of changes to the zoning administrative procedures requiring notices to be posted by signs on property where zoning changes have been requested.

2. Amend the administrative procedures of the zoning resolution to provide better enforcement of conditional use stipulations, providing strict limitations on the use of conditional use permits and limitations on the ability to expand home-based or other enterprises operating with conditional uses.
3. Retain historic farm homes and barns to be reused and integrated into new project designs. Adopt a requirement to obtain demolition permits in order to review such plans and develop mitigation actions.

4. In the distant future, with changes in ownership, the area of the intersection of Watkins Road and Watkins-California

Road could be appropriately considered for location of community oriented facilities, community services or light commercial.

5. Where public water or sewer become available, rezoning to a district or PUD utilizing conservation design principles, as described for the Central planning area should be the method used.

6. Protect stream corridors from development encroachment.

7. Require developers to use best practices in soil erosion and storm water control measures, in the design and construction of projects.

8. Adopt a “Tree Program” that limits the clearing of standing trees to only the amount absolutely necessary. Further landscaping requirements of buffer areas to produce a green and rural aesthetic.

9. Require developers to perform traffic impact analysis, in conformance with generally accepted standards, and make road improvements on local roads that will eliminate conflicts with slow moving farm machinery and allow for safe access and egress from high traffic roads.

10. Developments should include an internal circulation system that can be linked with adjacent developments with new public collector streets and keeping local

# COMPREHENSIVE LAND USE and GROWTH PLAN

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## V PLANNING AREAS & RECOMMENDATIONS

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traffic separated from through traffic and providing safe access.

11. Developments with water and sewer services can develop at higher gross densities, approximately 0.5 dwellings per acre, and should utilize land conservation design principals, e.g.:

- Requirements to preserve significant natural and historic features and vistas
  - Requirements of a significant portion of open space, excluding roadways and yards, equal to at least 50% of the site
  - Encourage partnerships that allow the productive use of open space for not only recreation but also for equestrian use, orchards, grazing, hay fields and other low intensity agricultural use.
  - Requirements that housing face scenic roads, and not be oriented with the backs of structures immediately adjacent to any roadway unless significantly landscaped at the edge of the property.
  - Requirements that a significant portion of home sites have direct access or frontage to the open space; a range of 50-75%.
  - Allow flexibility to deviate from the ranges where a significantly better project design can be achieved- for example if all open space was to be located between the main roadway and the home sites, creating a significant setback and open vista, or if topography and stream buffering prevents full compliance.
12. Create an incentive program within development plan approval allowing for more home sites in exchange for the creation of greater amenity than required. The program

would provide for a weighted system of evaluating amenities and stipulate the number of additional lots that are achievable.

13. All new developments should have space reserved for a direct connection and access to a future neighboring development. Enclave style, gated communities are not to be created, but rather integrated neighborhoods that flow together.

14. Entrances to subdivisions are not to be marked with monuments or signs except for temporary signs during the initial sales and build out period.

15. Demand high quality design in buildings, and fixtures (lighting, benches, trash bins) and landscaping of grounds and large parking facilities.

16. Screen and locate parking facilities so they are not the prominent feature, but are accessible and easy to find.

*North Planning Area Recommendations:*

1. In areas not served by public water and sewer, the minimum lot size should not be less than five (5) acres.

2. Where public water or sewer become available, rezoning to a district or PUD utilizing conservation design principles, as described for the Central planning area should be the method used.

# COMPREHENSIVE LAND USE and GROWTH PLAN

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## V PLANNING AREAS & RECOMMENDATIONS

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3. Retain and reuse, or move and historic structures.
4. Protect stream corridors from development encroachment.
5. Adopt a “Tree Program” that limits the clearing of standing trees to only the amount absolutely necessary. Further landscaping requirements of buffer areas to produce a green and rural aesthetic.
6. Use “Tree Program” (see West Planning Area) and National Arbor Day Foundation initiatives to assist Shelly Materials in acquiring and planting northern mounds to control erosion and create a visual enhancement.
7. Require appropriate road improvements to ensure safe transit for local and through traffic as development occurs.
8. Develop partnerships that will act as a county parks system to acquire and manage wetlands, woods, riparian corridors and other parkland.
9. Discourage further residential development within one mile of the quarry while in operation.
10. Consider rezoning the quarry site to a special use district.
11. Pursue options for accepting the donation of buffering land as parkland around the quarry.
12. Demand high quality design in buildings, and fixtures (lighting, benches, trash bins) and landscaping of grounds and parking facilities.
13. Screen and locate parking facilities so they are not the prominent feature, but are accessible and easy to find.
14. All new developments should have space reserved for a direct connection and access to a future neighboring development. Enclave style, gated communities are not to be created, but rather integrated neighborhoods that flow together.
15. Entrances to subdivisions are not to be marked with monuments or signs except for temporary signs during the initial sales and build out period.



# COMPREHENSIVE LAND USE and GROWTH PLAN

## VI ACTION PLAN

### INTRODUCTION

Subject to their power to act, the Zoning Commission and the Mill Creek Township Board of Trustees will set and follow an action agenda to implement the goals and objectives of this Plan. The Zoning Commission shall have authority to maintain and modify this document as needed with no restraints in regard to time or number of revisions. The “Master Copy” of official and current version of this document shall be held by the Township Clerk.

### ❖ SHORT TERM ACTION PLAN – Years 1 through 3

**A:** Complete the task of re-writing the Zoning Resolution:

TASK	RESPONSIBLE ENTITY	TIMEFRAME
1) Identify citizens to serve on the Technical Advisory Committee (TAC) along with members of the Zoning Committee, Board of Zoning Appeals and Township Trustees	Township Trustees Zoning Committee	Immediately
2) Identify and procure outside assistance if required by the TAC	Township Trustees TAC	Immediately
3) Prepare draft resolution: Incorporate market oriented approach and conservation development principles	TAC Professional Provider (if used)	Now through End of April, 2006
4) Public hearings process	Zoning Committee Township Trustees	January, 2006
5) Adoption of completed resolution	Township Trustees	January 31, 2006
6) Window for free rezoning requests for property owners whose use designations	Zoning Committee Township Trustees	January – March 2006

# COMPREHENSIVE LAND USE and GROWTH PLAN

## VI ACTION PLAN

were changed by the revised resolution		

### B: Establish Agricultural Security Committee

TASK	RESPONSIBLE ENTITY	TIMEFRAME
1) Identify and nominate interested citizens	Township Trustees	Now through January 2006
2) Establish initial budget, allowable uses, financial controls	Township Trustees	July 30, 2006
3) Establish bylaws and charter	Ag Security Committee Approval by Township Trustees	April 30, 2006
4) Provide feedback to Zoning TAC	Ag Security Committee	Through January 30, 2006
5) Prepare strategic plan of activities * Year 1 through Year 3 * Educational/ Service Activities * Plan one Event or Activity * Identify future funding opportunities * Set a process to monitor & provide input on upcoming development proposals	Ag Security Committee	April 30, 2006
6) Report progress to community at least quarterly- at a minimum at Trustee meetings	Ag Security Committee Spokesperson	Quarterly

### C: Establish Tree Community Program Committee

TASK	RESPONSIBLE ENTITY	TIMEFRAME
1) Identify and nominate interested citizens	Township Trustees	Now through January 2006
2) Establish initial budget, allowable uses, financial controls	Township Trustees	April 30, 2006

# COMPREHENSIVE LAND USE and GROWTH PLAN

## VI ACTION PLAN

3) Establish bylaws and charter	Tree Committee Approval by Township Trustees	July 31, 2006
4) Provide feedback to Zoning TAC	Tree Committee	Through January 30, 2006
5) Prepare strategic plan of activities * Year 1 through Year 3 *Educational/ Service Activities *Plan one Tree Community Activity * Identify future funding opportunities *Set a process to monitor & provide input on upcoming development proposals	Tree Committee	June 30, 2006
6) Report progress to community at least quarterly- at a minimum at Trustee meetings	Tree Committee Spokesperson	Quarterly

### D: Intergovernmental Cooperation

TASK	RESPONSIBLE ENTITY	TIMEFRAME
1) Volunteer for or recruit knowledgeable citizens to represent Mill Creek Twp. on intergovernmental boards and committees	Township Trustees	As openings are available
2) Continue to network with City of Marysville, Union County officials and others regarding regional growth issues;	Township Trustees	Ongoing
3) Obtain a report from UC Economic Development Department concerning their activities in promoting growth in the region	Township Trustees Zoning Committee	By March 31, 2006
4) Establish a budget for training & conference travel to enhance Trustee and Zoning Committee knowledge	Township Trustees	Annually for each budget cycle

# COMPREHENSIVE LAND USE and GROWTH PLAN

## VI ACTION PLAN

5) Identify opportunities to collaborate in bringing Broadband Internet Service to the Township	Township Trustees with assistance from a technically oriented volunteer	By Mid -2006
6) Facilitate start-up of Broadband Service	Private Partners Other Jurisdictional Partners Township Trustees	By Mid-2007
7) Communicate with State lawmakers regarding issues having impact on Township finances and governance; impact fees and tax changes	Township Officials School District Officials	Immediately and Ongoing

### ❖ MEDIUM RANGE ACTION PLAN – Years 4 through 10

TASK	RESPONSIBLE ENTITY	TIMEFRAME
1) Annually review workload and increase capacity to handle increased rezoning and monitoring activity	Township Trustees	Annually during budget process
2) Review & update if needed, <i>Comprehensive Land Use &amp; Growth Plan</i>	Zoning Committee Township Trustees Appointed Citizen Committee	Year 5 Year 10
4) Communicate with State Lawmakers regarding issues having impact on Township finances and governance; impact fees and tax changes		

# COMPREHENSIVE LAND USE and GROWTH PLAN

## VI ACTION PLAN

### ❖ LONG RANGE ACTION PLAN – Years 11 through 15

7) Communicate with State lawmakers regarding issues having impact on Township finances and governance; impact fees and tax changes	Ongoing	Feedback on current issues; April 30, 2006

# COMPREHENSIVE LAND USE and GROWTH PLAN

---

## ACKNOWLEDGEMENTS

### Steering Committee Members

Joni Orders, Co-Chair  
Bill Jordan, Co-Chair  
Andrew Ross  
Brian Andrews  
Eric Phillips  
Gene Dickey  
Brian Andrews  
Terry Boutet

Mary Berchak  
James Clayeraft  
Olivia Baumeister  
William Schrader  
Gary Conklin  
Alan Lively  
Brian Clark  
Jeff Pleper

Patricia Sweeney  
Marla Wright  
Tony Gertz II  
Paul Rice  
Roger Luckeydoo  
Sue Goodman-Luckeydoo  
Randy Ridgeman  
Rick Smith

J Comstock  
Rob Whitacker  
Robert Whitmore  
Jeff Ferg  
Ernie Bungarner  
Malcolm McKittrick  
Lucas Rausch  
Pete Zarano

### Township Trustees

Keith Conroy  
William Lynch  
James Schrader, Chairman

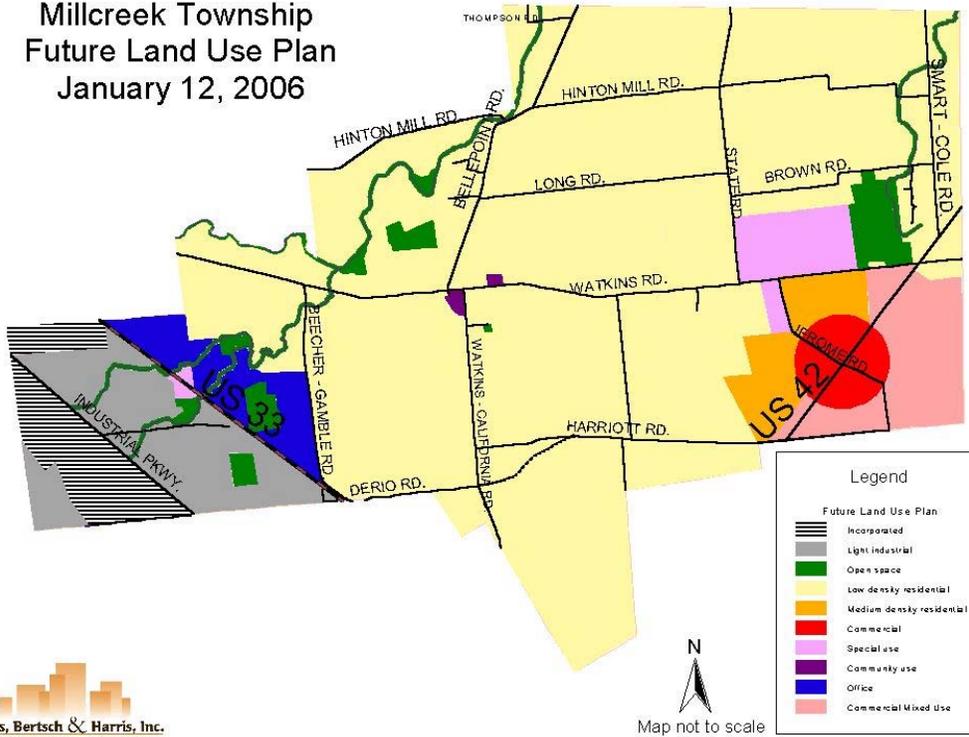
Joyce Beavers, Township Clerk

### Planning Consultants:

Burns, Bertsch & Harris, Inc.  
Columbus, Ohio

*Thank you to all Millcreek Township residents, businesses, Township officials, Fairbanks Local Schools, and community members for their time, input and dedicated involvement during this planning process. August, 2005*

Millcreek Township  
 Future Land Use Plan  
 January 12, 2006



**Development and Growth Plan Supplement  
2010**



Photo credit: roludsgn (RO/LU / RÖLU, rosenlof/lucas, ro/lu) on Flickr under a Creative Commons License

Photo of the Jackson Meadow Conservation Development  
St. Croix, Minnesota

## **2010 DEVELOPMENT & GROWTH PLAN SUPPLEMENT**

### **MILLCREEK TOWNSHIP UNION COUNTY, OHIO**

## **ACKNOWLEDGEMENTS**

Lincoln Street Studio gratefully acknowledges the time and dedication expended on this project by many people of Millcreek Township. Those to whom we extend our thanks include the following.

### **Township Trustees**

Bill Lynch  
Keith Conroy  
Marian Jacques

### **Township Zoning Commission**

Joni Orders, Zoning Chair  
Olivia Baumeister  
W. H. Jordan  
Freeman Troyer  
Robert S. Whitmore  
Gregory D. Wisniewski

### **Township Staff**

David Leitch, Zoning Administrator  
Joyce Beaver, Fiscal Officer

### **Residents**

Mike Mansfield  
John Davisson  
Dale Mabry  
Kurt Rausch  
David Smith  
Troy Koenig  
Dick Lavender  
Donna Lavender  
Dick Howard  
Bill Schrader

### **Intergovernmental Cooperation**

Kyle Hanigosky, LUC Regional Planning Commission  
Kathleen Crowley, Jerome Township Zoning Administrator  
Engineering Department, City of Marysville

**2010 SUPPLEMENT  
To the Millcreek Township  
2005 Comprehensive Land Use and Growth Plan  
December 29, 2009**

**PREFACE**

This 2010 Supplement, and attached Appendix, to the Millcreek Township 2005 Comprehensive Land Use and Growth Plan are to be considered, along with the 2005 Plan, as one document, the land use and growth plan of Millcreek Township. The Supplement serves to update, not rewrite, the original plan. Thus, there are differences in presentation or discussion format. This Supplement, for example, does not address planning issues or recommendations by Planning Area within the Township, as was done in the 2005 Plan. The Supplement deals with information and events that were not available, and presents updated views and recommendations. Therefore, should there be an arguable point of discrepancy between the 2005 plan and this 2010 Supplement or its Appendix, the recommendations of this Supplement shall control.

**INTRODUCTION**

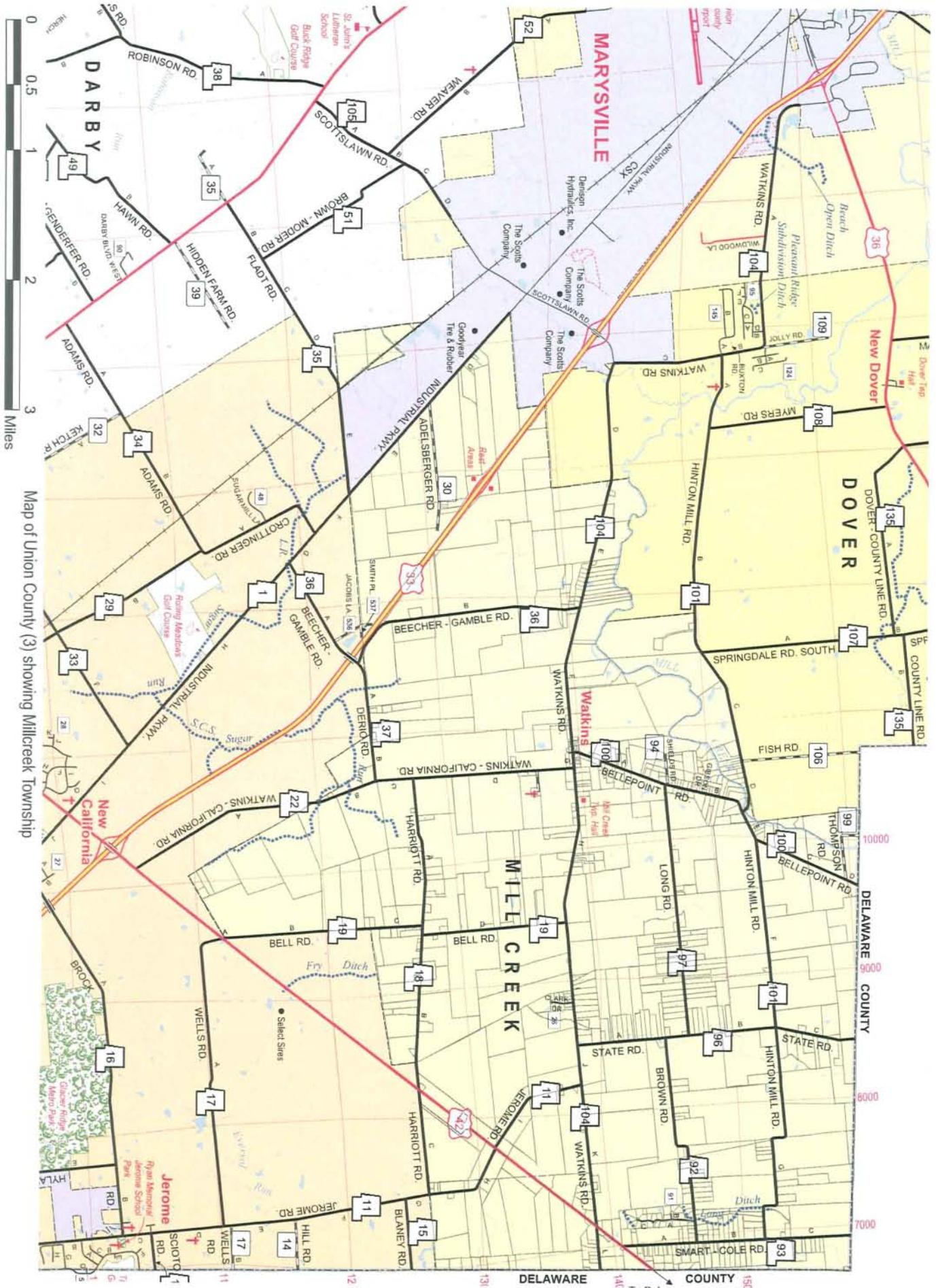
From a planning perspective, Millcreek Township is not actively seeking growth and development. The Township is proud of its rural heritage and is focused on preserving its high quality farmland. This is the same basic policy the Township held in 2004, when it began work on its first comprehensive land use and growth plan.

During the 2004 planning process, the City of Marysville announced plans to design a new waste water treatment facility to be constructed in Millcreek Township. At the same time, it was confirmed that a group of investors was considering a major development in Jerome Township, just east of US Route #42. Most believed that this proposal would spin off development in Millcreek Township.

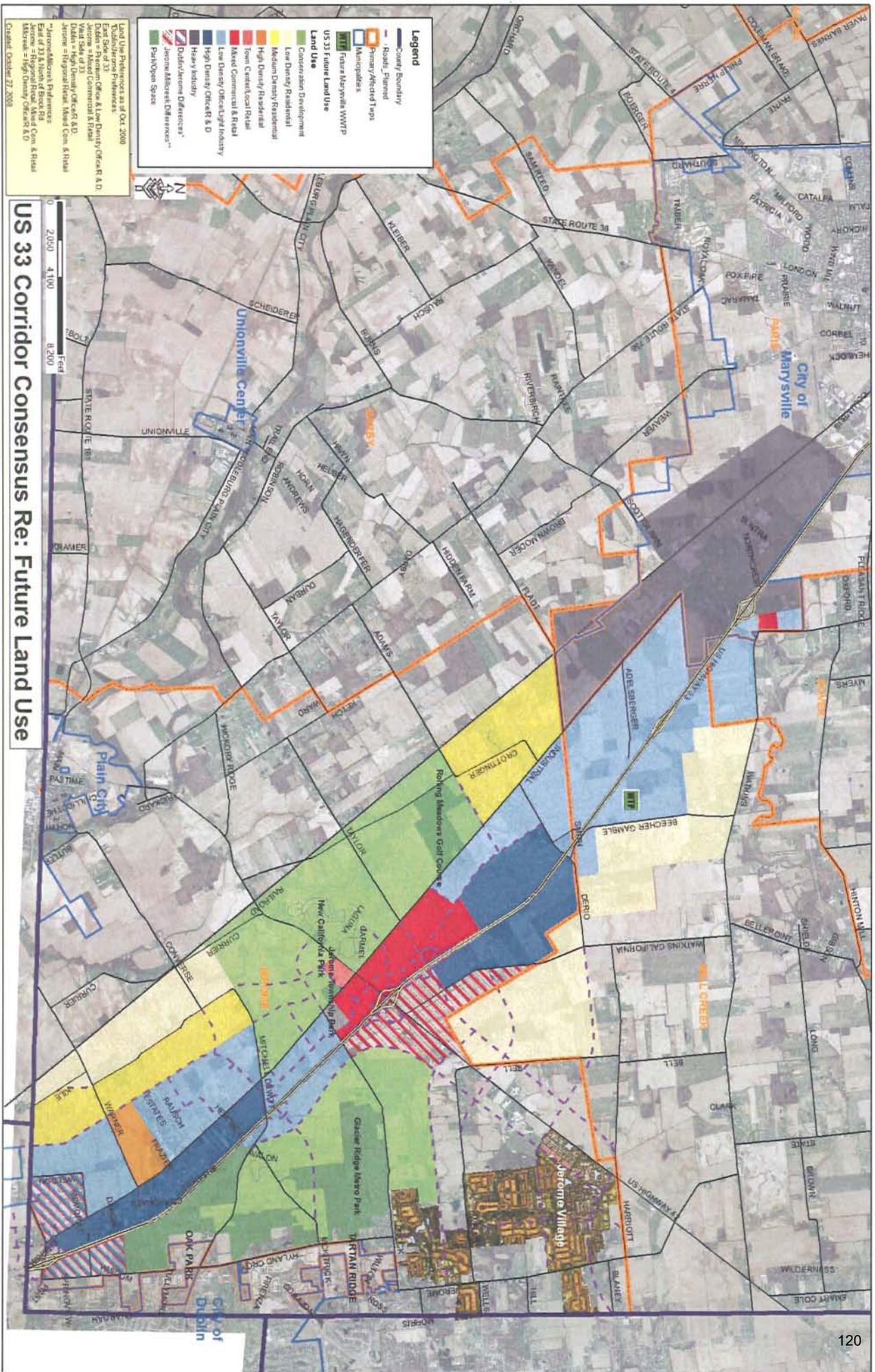
During 2007, an application to rezone 539 acres of land to Planned Unit Development was received by Millcreek Township. The mixed use project, known first as Glacier West and later renamed as Bayly Pointe consisted of more than 950 acres of land, with more than 400 acres located in Jerome Township. The entire development was located north of U.S. Route #33 and west of U.S. Route #42. The total size and scope of the proposed development brought the full array of development issues to the review table of Mill Creek Township. The Zoning Commission and the Township Trustees were occupied with joint and public meetings for more than year, until the late fall of 2008 when the developer withdrew the application in the face of economic recession.

Today circumstances are different for Millcreek Township. Even though the recession has stalled the development of subdivisions, office buildings and shopping centers, growth pressures remain and planning factors have changed.

Marysville and Dublin have been focusing on the future development of the Route #33 / Industrial Parkway Corridor, and they have been pushing their respective growth plans along the corridor toward each other. It seems as though they were



Map of Union County (3) showing Millcreek Township



each in a race to see which municipality would be first to extend utilities services and to possibly achieve annexation all the way to the Route #42 interchange.

The Mid Ohio Regional Planning Commission (MORPC) forecasts that development of the proposed Route #33 / Industrial Parkway corridor will produce 4.4 million square feet of new industrial space and 800,000 square feet of new commercial space. Dublin envisions that lands between Industrial Parkway and Route #33 will be developed for high quality research oriented office space, with supporting mixed use and commercial facilities. MORPC has projected that this development will spin off the demand for 3,600 new housing units, with 2,000 of those new units being built in Millcreek Township, south of Watkins Road.

This 2010 Supplement to the Township's existing comprehensive land use and growth plan is prepared in response to the changes in circumstances surrounding the Township. It will also update policies and set forth the refined positions of the Trustees, appointed officials, and residents of the Township regarding new development and the preservation of agricultural heritage and quality green space. A basic premise of this supplement is that Millcreek Township needs to be more proactive in planning and in establishing development guidelines if any new development will achieve the quality level and special identity desired by the Township.

#### **MILLCREEK TOWNSHIP'S VISION**

Millcreek Township is an agricultural community, working to maintain its heritage and character in the face of external development pressure. The Township's forward view is to maintain its form of government, to secure a future of perpetual farming, and to accommodate development only if it meets the Township's standards, which are premised upon sustainable planning and design, a high quality of construction, and a commitment to the preservation of natural features, agriculture, and an architectural character derived from the Township's own heritage.

The Township envisions that any development that should occur will leverage sufficient taxes to ensure the township has a balanced tax base, which allows the community to achieve high quality services, a top-notch school system, and the proper level of fire, EMS, police, and recreational services.

#### **SETTING GOALS AND OBJECTIVES TO ACHIEVE THE VISION**

The existing Township plan is premised upon a market oriented planning perspective which forms the framework for most of the plan's recommendations. This basis for planning responds to the market demand for land and for the development of various uses of land. The approach is desirable generally because it places the responsibility for absorbing costs for abating the impacts of development (including, but not limited to water, sewer, electric, gas, communication, fire, police, schools and emergency management) upon the developer and the owner (seller) of the land to be developed.

**Development must pay for itself and enhance the Township's economic health.**

Whereas Millcreek Township is not actively seeking growth and development, the objective of charging the responsibility to resolve the impact of growth to developers is completely consistent with the market oriented planning perspective.

The Township should adopt measures necessary to require developers to provide the following as part of their development proposals.

- Traffic studies where warranted.
- Roadway plans and improvements that meet the County Engineer's standards, and that minimize dead-end streets, achieving safe and well-managed traffic flow with no bottlenecks, and providing traffic calming features as appropriate.
- Plans for new streets should be laid out generally in response to topography and natural features. Street patterns should also be appropriate to the nature of the proposed development. A grid pattern, for example, would be appropriate within a town center development. Street plans must also meet the County Engineer's standards for dedication. Limited, low impact street lighting should be included with provision for paying the ongoing cost of power.
- Provision should be made for the incremental increase in demand for fire, emergency and police services, including the cost of new or expanded facilities, including emergency sirens.
- Provision should be made for the incremental increase in demand for schools, including classroom education as well as new sites and facilities. New school sites should be planned appropriately so that access will be provided from secondary streets, not major thoroughfares.
- Developer plans should specifically address the economic impacts to the Township for fire, emergency and police services, and for educational services and street maintenance costs which will derive from the development and growth in population as a result of proposed developments. This should be done in the form of an impact statement, and each development proposal should contain plans to offset the costs of such impacts to the Township.

#### **Development must comply with the Township's managed growth policy.**

Whereas it is the Township's policy to preserve wooded areas, green space and agricultural use within its limits, the Township should adopt measures to discourage premature development and to disallow development proposals that involve blatant land speculation that could cause cessation in farming. All development proposals requiring utility service infrastructure must include letters attesting to availability of services and certified engineering plans depicting how such services will be provided.

In future years when township staff could be hired to manage the program, a land evaluation and site assessment system could be established to provide objective measures of when agricultural land might be considered eligible for development. This program is explained in the appendix of this supplement.

#### **Development must promote the use of land conservation principles.**

Millcreek Township is not only not seeking growth and development; it is not supportive of typical suburban pattern development. The Township believes that typical single family subdivisions do not promote land conservation principles.

Whereas the Township may need to accommodate developments of various kinds,

the Township is focused upon planning policies that will prevent new development from looking like the typical developments found in every other community.

The Township should support the following types of development through appropriate zoning measures and development standards. Each type of development features opportunity for setting aside and preserving natural features and open space. Each is more fully explained in the appendix of this supplement.

- Conservation Subdivisions
- Cluster Development
- Hamlet Development
- Planned Unit Development
- Traditional Neighborhood Development

**Development must achieve a balance among the various types of land uses.**

Whereas the Township is seeking to preserve its agricultural heritage and rural way of life, it is expected that development demand will center primarily on various types of residential development. The Township believes, however, that a balance of uses will be essential both for its long term economic health, and for the convenience of residents. The Township should adopt the following policies, and it should adjust its zoning requirements as necessary to implement them.

- Various forms of commercial office and small retail uses could be accommodated within portions of the Township located most closely to Route #42 and Route #33. The Township should amend its zoning resolution to limit the size of retail floor space for single tenants to be no more than 65,000 square feet to support a neighborhood scale of retail development as apposed to typical "big box" development which can be found in several neighboring communities.
- The Township should be supportive of the development of a branch campus of a college.
- Development of research facilities, office buildings, and light, clean forms of manufacturing facilities would be appropriate on lands close to Route #42 and Route #33.
- The Township should support the development of limited well-located residential facilities for senior citizens, including independent living, assisted living, and nursing home facilities. (See appendix for definitions.) These facilities should be very accessible for police, fire and emergency services, and they should be within walking distance of parks and small convenience commercial outiets.
- The Town would support town center development within a larger mixed use project of higher density housing and institutional uses such as a church, a branch library, and a school. These developments should also make allowance for quality open space features such as a village green. See the appendix for a listing of town center planning principles which should be adopted.

**Development must achieve the level of quality set through the Township's development standards and performance criteria.**

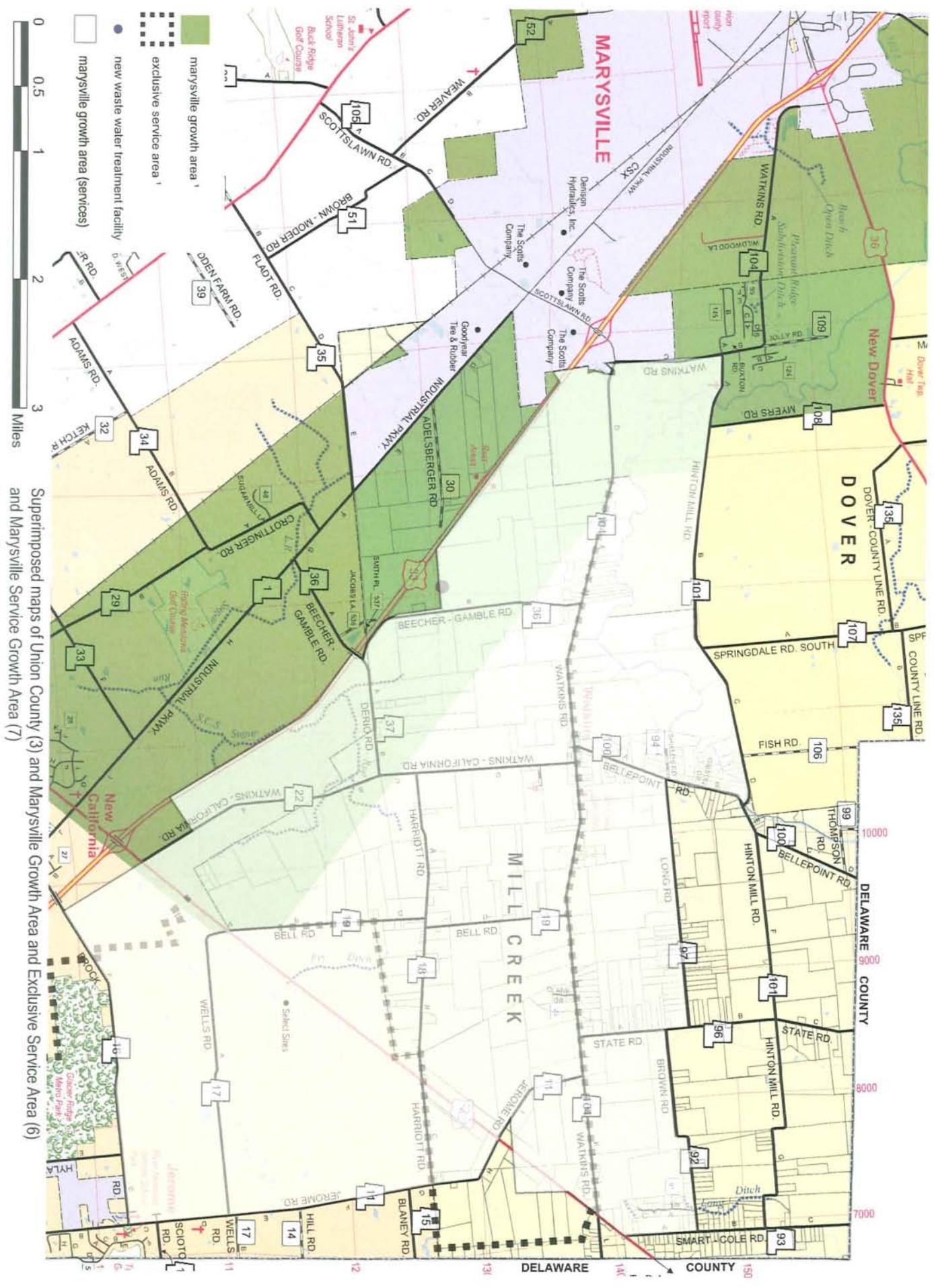
Millcreek Township is supportive of only high quality planning, design, and construction. The Township values sustainability and the conservation of energy.

- All new residential, commercial, and manufacturing developments should follow, as far as possible, the criteria advanced in the new LEED ND (Leadership in Energy and Environmental Design for Neighborhood Development) checklist by the U.S. Green Building Council.
- In 1992, the EPA introduced ENERGY STAR® ratings as a voluntary labeling program designed to identify and promote energy-efficient products to reduce pollution. All new homes built within Millcreek Township should achieve ENERGY STAR® ratings.
- Through the long review process of the proposed Bayly Pointe planned unit development in 2008, the Township determined that new development should be guided to achieve a unique character based upon the history of settlement in Union County and Millcreek Township, with a focus on the time frame of 1820-1860.
  - In the early years, building materials consisted of timber and indigenous limestone. All construction was of the post and beam or wood frame type. Siding consisted of wood boards.
  - Brick was introduced in later years of the suggested period.
  - The old mills of Millcreek were most likely grist mills, with one probably being a saw mill. Those were timber buildings set on limestone foundations with wood board siding.
  - There were no architectural styles during these years. Rather, buildings were more of a regionalist vernacular, derived from the original (Connecticut, Pennsylvania, Massachusetts, etc.) homes of the settlers.
  - The Township determined that the simplicity of the Greek revival style, the saltbox, and Federalist style would probably serve well as primary references for all new architectural design.
- Millcreek Township also determined that the planning of all new residential subdivisions should be guided so as to destroy as far as possible the visual sense of massed produced or builder housing. The planning and design guidelines set forth in the appendix should be adopted.

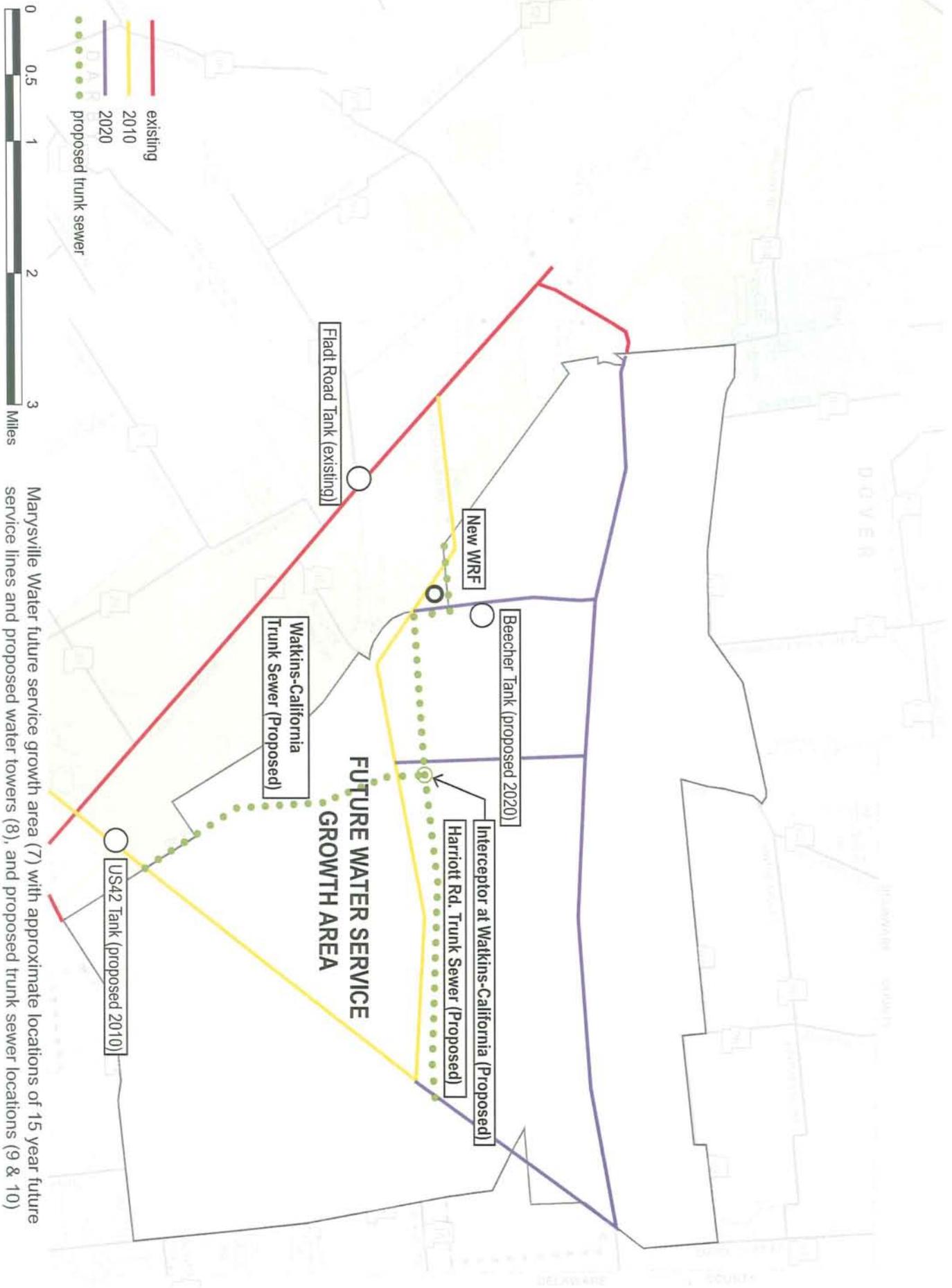
## INFRASTRUCTURE UPDATE

Infrastructure improvements and plans for future infrastructure improvements have been made in response to the growth plans of Marysville and Dublin. Development planning in Jerome Township has contributed to the overall projection of service demand. The following list highlights the elements important to Millcreek Township. See following maps.

- Marysville's waste water treatment plant has been completed, and is in service, and the City has defined a primary growth zone which extends through portions of Jerome Township and Millcreek Township, all the way to the fringe of Dublin along Route #33. The City has also defined an exclusive service area through the Township, encompassing all land south of Watkins Road.
- The long term plan for water service includes mains running east along Adelsberger, Derio, and Harriott, connecting the main in Industrial Parkway to a proposed main in Route #42, which will connect the Harriott main to the Industrial Parkway main. A new main is also planned for Watkins Road, along with a main that would follow Scottslawn to connect the main in Industrial Parkway to the main in Watkins Road.

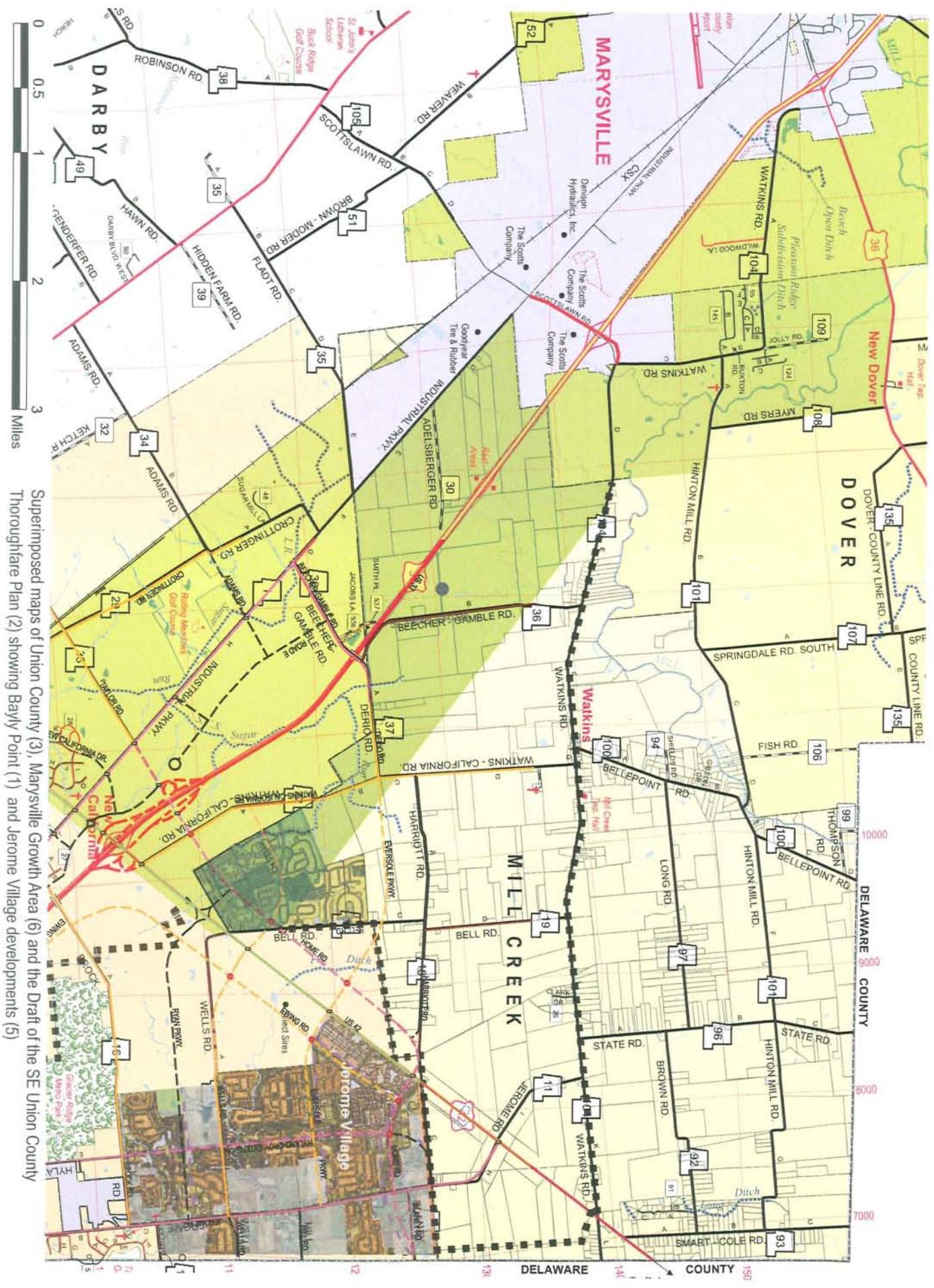


Superimposed maps of Union County (3) and Marysville Growth Area and Exclusive Service Area (6) and Marysville Service Growth Area (7)



Marysville Water future service growth area (7) with approximate locations of 15 year future service lines and proposed water towers (8), and proposed trunk sewer locations (9 & 10)





Superimposed maps of Union County (3), Marysville Growth Area (6) and the Draft of the SE Union County Thoroughfare Plan (2) showing Bayly Point (1) and Jerome Village developments (5)

- The City of Marysville announced plans for a new water tower in the vicinity of the intersection of Routes #33 and 42.
- Future water mains running north and south are planned for Beecher-Gamble Road and for Watkins-California Road. A second water tank is located along Beecher-Gamble Road, approximately halfway between Watkins Road and Derio Road.
- Marysville has announced that a future sewer trunk will run along Harriott Road through Millcreek Township, to provide service for the Jerome Village project in Jerome Township. A second trunk sewer is planned to follow Watkins California Road, from Harriott to Route # 42. The existing trunk in Industrial Parkway is planned to extend to New California.
- The Ohio EPA has issued a permit to install (PTI) sewer service to the Dublin fringe location, further south of the Route 42 interchange. This is being contested by Dublin, Columbus and Jerome Township.
- The Delaware County Engineer and the Union County Engineer have agreed upon a new alignment for the proposed Home Road extension. The new alignment was central to the Bayly Pointe PUD proposal, and it could prove to be pivotal in Millcreek Township's future development potential and land use development pattern.
- Improvements to, and alignment modifications for, various roads intersecting with Route #42 have been suggested in Jerome Township.

## **PLANNING STRATEGY**

The Logan-Union-Champaign (LUC) Regional Planning Commission is in the process of updating the Union County Comprehensive Plan. The LUC also prepared a Future Land Use map entitled "US 33 Corridor Consensus," to reflect plan proposals of all jurisdictional members participating in the US 33 Corridor Group. See the following map. The Corridor Consensus on land use is a reasoned depiction of the development forces which have been at play just outside the limits of Millcreek Township. Millcreek Township's Comprehensive Land Use and Growth Plan should respond to these development forces, but most directly it should respond to Marysville's Growth Zone and its Exclusive Service area for utility services.

The total land area of Millcreek Township is approximately 21.5 square miles. The growth zone defined by the City of Marysville encompasses approximately 4.5 square miles of Millcreek Township, or approximately 21% of the Township's land area. Similarly, the Marysville exclusive service area encompasses an additional 7.1 square miles of Township land, or approximately 33% of its total land area. This leaves approximately 46% of the Township's land area (9.9 square miles) outside of the growth zone and utilities service area. Presumably, only the lands north of Watkins Road are expected to remain in agricultural use for an extended time.

Whereas Millcreek Township needs to plan for its own economic health and well-being, planning strategy must find ways that property, and perhaps other, tax revenue derived from development can remain in the Township. Developed land in the Township does not generate revenue for the Township if it is annexed to the City of Marysville or the City of Dublin.

**Planning Strategy #1- Negotiate Joint Economic Development District (JEDD) Agreement** (The Township should create a JEDD with one and/or more of its neighbors before any additional development pressure or a specific project is identified.)

The best opportunity for development of upscale business, high tech R&D facilities and / or offices resides within Millcreek's West Planning Area. These are the lands that are located between Industrial Parkway and the Route #33 corridor, near where US 42 intersects with US 33, and the lands located immediately north of the corridor, all of which are encompassed by the Marysville Growth Zone.

This is the location of the new wastewater treatment facility. This is the location from which all new trunk sewers will extend through Millcreek Township. Water service also exists along Industrial Parkway on the south side of Route #33. Any development of these lands would benefit from the smallest cost for utilities.

In the short term, the City of Marysville is having difficulty with financing sewer and water line extensions, because of the expense of the wastewater treatment plant. It seems to be reasonable for Millcreek Township to try to negotiate a joint development agreement with the City of Marysville. The communities would work together on sharing or leveraging fire, police, utilities and similar services. The Township could also explore the feasibility of lending its bonding capacity to extend water and sewer lines, in exchange for a long term agreement to obtain property and income tax revenues for this portion of Marysville's growth area. If Marysville is not willing to enter into a JEDD with Millcreek Township, then the Township should seek such an agreement with the City of Dublin.

New Community Authorities also offer revenue opportunity to townships. Millcreek Township should be supportive of development proposals that set up New Community Authority.

## **Planning Strategy #2- Focus on the Home Road Development Zone**

In the short term, development of lands to the north of Route #33, at the Route 42 intersection, seems most likely. This is where the City of Marysville is proposing to construct a new water tower. The Bayly Pointe PUD proposal demonstrated the real potential for retail and development along the Route #33 corridor, and the feasibility of developing town center uses and medium density housing in Millcreek Township.

The southern tip of Millcreek Township's Central Planning area extends most closely to the intersection of Route #33 and Route 42. The revised alignment of the proposed Home Road extension extends through this area, and the alignment provided much of the potential for town center and office uses and mixed use developments in Millcreek Township. The future extension of Home Road will provide the Township with its most important roadway access, and the currently proposed alignment should be supported.

In the Township's 2005 Plan, it was recommended that a mixed use commercial center could be located at the intersection of Route 42 and Jerome Road, in the Southeast Planning Area. Town center planning principles were recommended as a basis for planning. While the concept was acceptable at the time, the suggested location for a mixed use center was reconsidered after the emergence of the Jerome Village development.

The Home Road Development Zone strategy calls for moving the concept of a mixed use commercial center to the very southern tip of Millcreek Township, to the location which had been identified in the Bayly Pointe proposal, close to Routes #33 and #42. The idea is that some proposal similar to the withdrawn PUD plan

would be more likely in this location than north of the Jerome Village project. The alignment of the proposed extension of Home Road will continue to add long term value. In addition:

- The LUC #33 Corridor Consensus should be amended to reflect this proposal.
- Millcreek Township should consider the purchase of parcels of land fronting the west side of Route 42 to ensure future roadway access to the future Home Road extension.

### **Planning Strategy #3- Implement a Land Preservation Program**

This strategy is to actively focus an effort to designate and preserve woodlands, green space corridors, wetlands, important natural areas, drainage ways, and perhaps historic elements of the natural and agricultural landscape in Millcreek Township, instead of waiting for developers to accomplish these purposes through commitments made during a zoning application review process. The idea is that the quality of residential development increases when it exists within natural scenic areas that are protected, and will never become suburban pattern subdivisions.

The Township should collaborate with the Union County Heritage Land Trust or similar organization to explore the potential breadth and depth of such a program. Land trusts can explain tax benefits to farmers for dedicated easements which could forever prohibit access to lands from sections of frontage roads. There are also life estates gifting opportunities with estate tax benefits. The feasibility of establishing a transfer of development rights program could be explored. See the explanation of TDR and the discussion of land trusts presented in the appendix of this supplement.

From a planning perspective, it is possible that vast portions of the Township's Central Planning Area could become reserved forever as agricultural lands, even though the entire Central Planning Area exists within the City of Marysville's exclusive utilities service area. Such a potential could be of significant importance to the Township's potential in negotiating joint development agreements with Marysville.

Millcreek Township should seek grants to begin a land preservation program. Priority should be given to defining land areas to preserve for agricultural use, park land for active and passive use, bike paths, and natural scenic areas. This work would also allow planning proper locations for commercial, industrial, and research facilities development, as well as locations for conservation subdivisions.

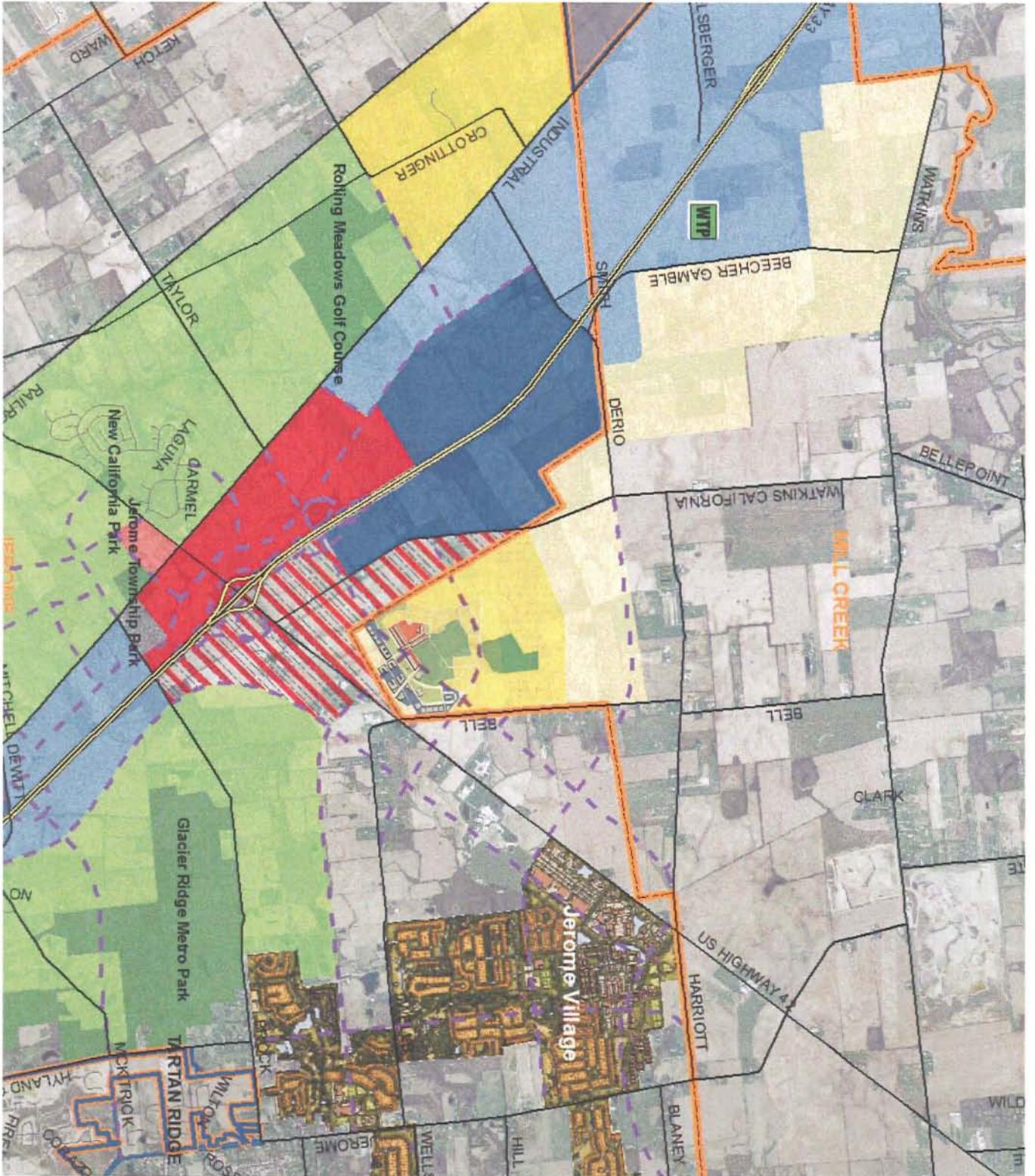
## **PLAN CLARIFICATIONS**

### **Population and Growth Projections**

This supplement recognizes that the population and growth projections presented in the 2005 plan proved to be off target. The Township believes the latest LUC Regional Planning Commission's estimate of 1,487 persons is correct. The Township believes that growth will come in spurts, related to specific development proposals. The Bayly Pointe PUD, for example, would have more than tripled the number of single family houses in the Township.

The current economic downturn has, in the short term, changed all growth projections in Central Ohio. The Jerome Village project, for example, continues to

- Legend**
- County Boundary
  - Roads Planned
  - Primary Affected Twp's
  - Municipalities
  - Future Marysville WWTP
  - US 33 Future Land Use
- Land Use**
- Conservation Development
  - Low Density Residential
  - Medium Density Residential
  - High Density Residential
  - Town Center/Local Retail
  - Mixed Commercial & Retail
  - Low Density Office/Light Industry
  - High Density Office/R & D
  - Heavy Industry
  - Dublin/Jerome Differences\*
  - Jerome/Millcreek Differences\*\*
  - Park/Open Space



Superimposed maps of Consensus Future Land Use Map (5) and suggested uses in former Bayly Point development area

draw interest from developers, but Jerome Township reports that Jerome Village may be the only source of growth for many years, and they expect slow going with the Village.

### **Density Discussion**

Generally in rural areas without utilities, a development density of one house per 3 to 5 acres of land is permitted, depending upon the acceptability of soils for an onsite septic system. The Township's 2005 plan suggests two different densities for housing development with water and sewer service. Three units per acre, with utility services, are suggested on page 29 of the plan, and on page 33 a density of one unit per 2 acres is suggested.

Millcreek Township's zoning resolution permits one house for every 3 acres without services. In anticipation of future development proposals, the Township Zoning Commission and Trustees should consider setting a range of acceptable densities for the various types of development which are anticipated, or allow for higher density in some portions of large developments if overall density is acceptable. The 2005 plan also suggests that a 50% ratio of open space should be achieved. Although the various types of development that include land conservation suggested in this supplement might result in a different ratio, the Township continues to believe that the 50% ratio is reasonable, and it should be maintained. The Township's zoning resolution also addresses open space requirements for specific types of development.

### **ACTION PLAN**

Township growth plans address a wide range of issues, and the recommendations they set forth often require a variety of implementation measures. It is customary, therefore, that several "Next Steps" are suggested. All have the same priority, which is why the following actions are listed by bullet point, instead of a numbering system. Ideally, each would be completed, or in the process of being completed, before the Township is confronted with any significant new development proposal.

- Obtain approval of the Supplement from the LUC Regional Planning Commission.
- Adopt the Supplement and Appendix by Resolution(s) as appropriate.
- Review the plan recommendations involving conservation subdivisions with the Union County Engineer to determine issues such subdivisions might raise regarding current Union County Subdivision Regulation.
- Review the Township's Zoning Resolution to determine changes that might be advantageous or necessary.
- Create a Joint Economic Development District (JEDD) agreement with one or more of the Township's governmental neighbors.
- Consider conducting an inventory of all critical and environmentally sensitive natural areas that should be preserved, including, but not limited to wooded areas, wet lands, bio-swales, and open space zones considered important for scenic or recreational value. This inventory should include lands that should be set aside for right of way for the future Home Road extension.
- Identify any Land Trusts or Conservancies that would be available to work with the Township, and hold discussions with them to determine their operating requirements.

## **APPENDIX**

### **CONTENTS**

1. **Land Evaluation and Site Assessment (LESA) program**
2. **Types of development that promote land conservation**
  - a. **Conservation Subdivision**
  - b. **Cluster Development**
  - c. **Hamlet Development**
  - d. **Planned Unit Development**
  - e. **Traditional Neighborhood Development**
3. **Living Arrangements for Senior Citizens**
  - a. **Independent Living**
  - b. **Assisted Living**
  - c. **Nursing Home Living**
4. **Town Center Planning Principles**
5. **Planning and Design Guidelines for New Housing Development**
6. **Transfer of Development Rights**
7. **Purchase of Development Rights**
8. **Land Trust**

## LAND EVALUATION and SITE ASSESSMENT (LESA) PROGRAM

A land evaluation and site assessment system or program helps local, county and state officials to make sound decisions about the conversion of agricultural land to other developed uses. The conceptual framework of the system was developed by the Natural Resources Conservation Service of the U.S. Department of Agriculture, for the purpose of defining and protecting the best agricultural land. In operating the system within a local area, LESA offers planning value in the coordination of growth affecting land development.

The system involves point scores for various attributes in evaluating the agricultural productivity of land, and for evaluating the suitability of particular sites for development. Land evaluation is based upon soils data, and the point score system allocates 100 points across soils categories from least to most productive in agricultural use. The site assessment portion of the system allocates 200 points across a range of factors other than soils productivity that are measures of viability for continued agricultural use.

Site assessment addresses a broad array of factors. Examples are:

- Percent of land area within one mile of a subject site which is compatible with agricultural use.
- Percent of land area adjacent to site in agricultural use.
- Percent of perimeter of site that abuts existing zoning districts compatible with agricultural use.
- Degree to which existing roadways can bear the traffic that the proposed new use of the site might generate.
- Potential of the site to be annexed to a municipality or served by public water and sewer systems.

Site assessment point scores are assigned in reverse order. The more appropriate a site is for development, the lower the score per factor. A site easily annexed to obtain water and sewer services would get a point score of 0, whereas a site more remote from utilities would receive a point score of 20. Working systematically in this manner of evaluation, LESA establishes rankings of the best agricultural lands which should remain in agricultural use.

With a maximum point score for Land Evaluation of 100 point, and a maximum point score for Site Assessment being 200 points, a typical LESA system will result in a summary guideline for evaluating zoning and development requests to convert farmland to other uses. A sample guideline would be as follows.

- 215- 300 points      High Rating for Farmland Protection
- 185- 214 points      Moderate Rating for Protection
- 184 or below      Low Rating- Suitable for Development

Establishing a LESA System requires the assistance of professionals and collaborative work with the public officials who would manage the process.

## TYPES OF DEVELOPMENT THAT PROMOTE LAND CONSERVATION

**Conservation Subdivisions** - Similar to the sale of 5 acre out lots by farmers who have financial needs to meet in a given year, the conservation subdivision involves the development of only part of a property, generally the part with the least natural or cultural value. The idea, also known as limited development, is to balance the financial needs of an owner with land preservation.

Protection of the land portion set aside for preservation is not assured unless the conservation subdivision plan includes a conservation easement for the land to remain in its natural state. The tax value of the easement could be realized if the easement is given to a conservancy. The land to be preserved could also be gifted to a conservancy for maximum tax benefits.

**Cluster Development** – This concept generally requires a different zoning district, because the idea is to cluster all of the housing units, which would be permitted on a tract of land, on one portion of the land, preserving the balance of the tract as open space. This is why cluster development is sometimes referred to as cluster zoning.

Cluster development embraces a higher density for the developed portion of the site, in exchange for leaving the scenic or environmentally sensitive portion as open space. This actually minimizes the environmental impact of development upon the natural landscape, and it minimizes the developer's cost of providing public services. The total length of streets, water lines and sewers is diminished when houses are located more closely together, while the total number of housing units remains the same.

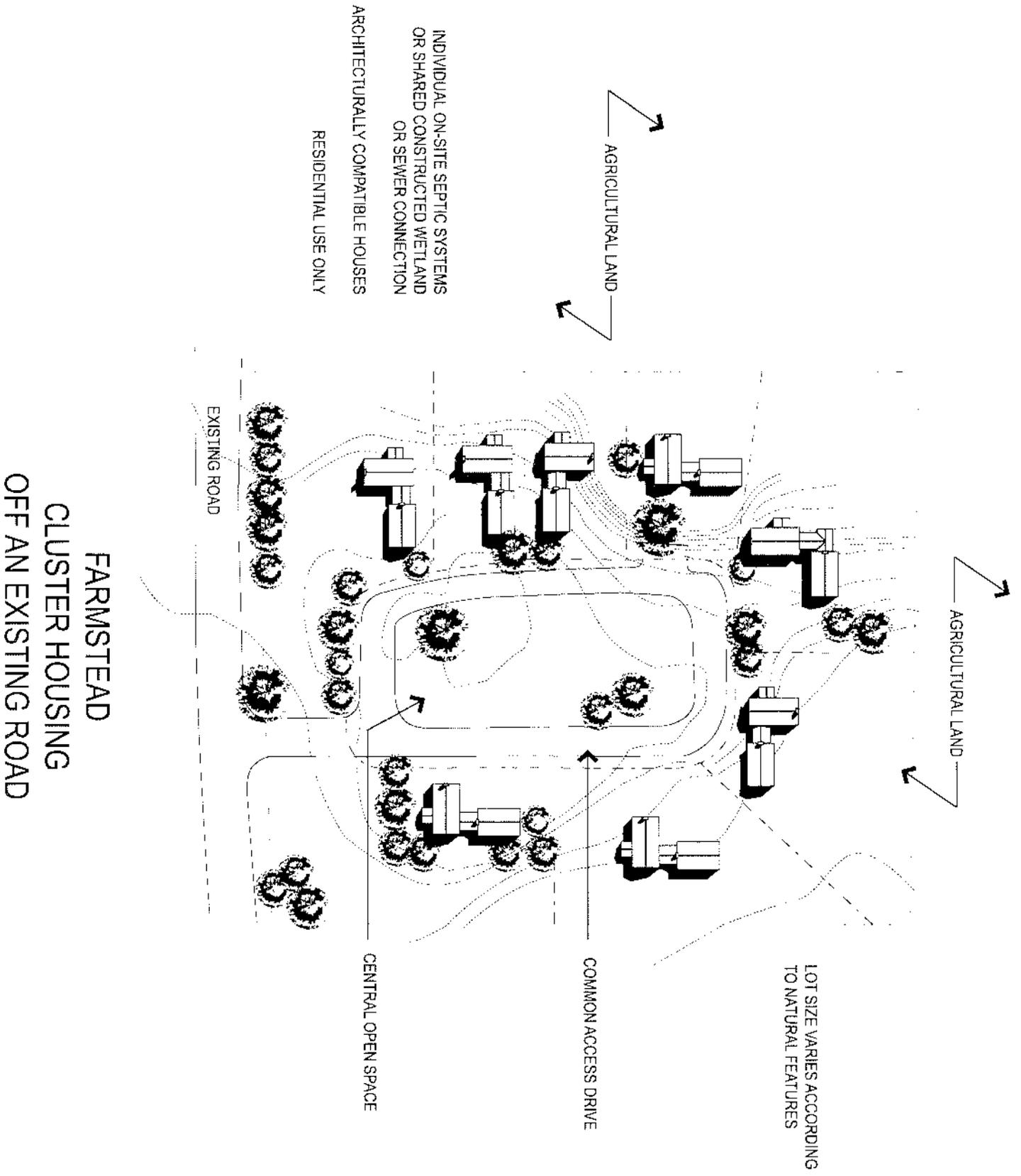
Cluster development strikes a balance between growth and open space preservation. New development actually provides (pays for) the protection of open space. Home buyers in the development generally perceive the subdivision to be more valuable, because many of the natural features of the land will be preserved. The open space is often owned by a homeowners' association, but it could be gifted to a land trust or to a unit of government.

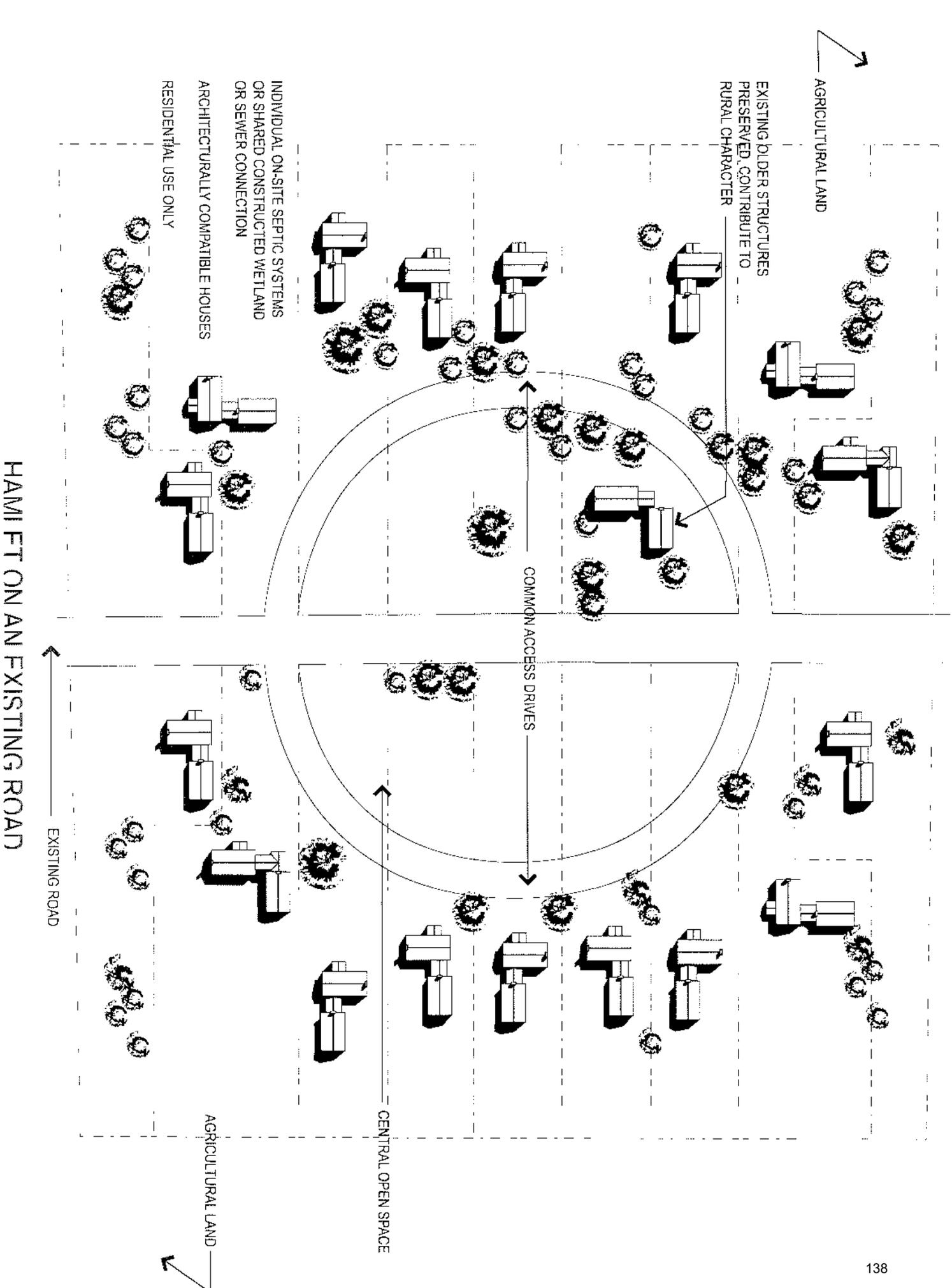
In areas lacking central utility services, cluster development can cause problems. Higher densities on a portion of a large tract could prevent adequate recharge of well water. Likewise soil conditions might not support adequate septic system operation with housing units clustered onto a portion of the site.

**Hamlet Development** – In Ohio, hamlets are small, primarily residential, rural settlements, often located at the intersection of rural roadways. A church, school, or small general store with gas pumps are the customary non-residential buildings within rural hamlet in Ohio. Watkins is an example of a traditional hamlet. (In other parts of the Country, hamlets are much larger and are treated similarly to planned unit developments.)

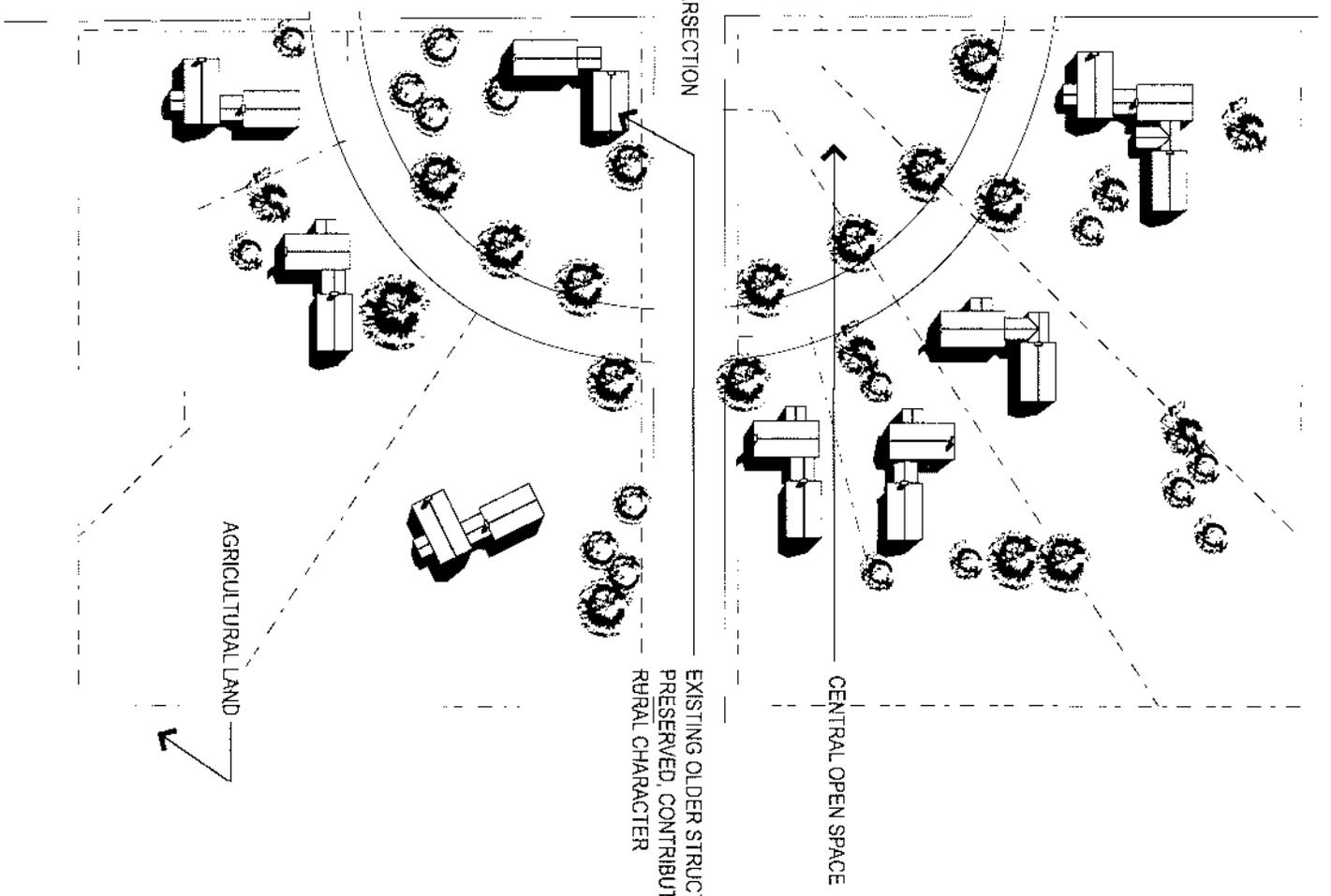
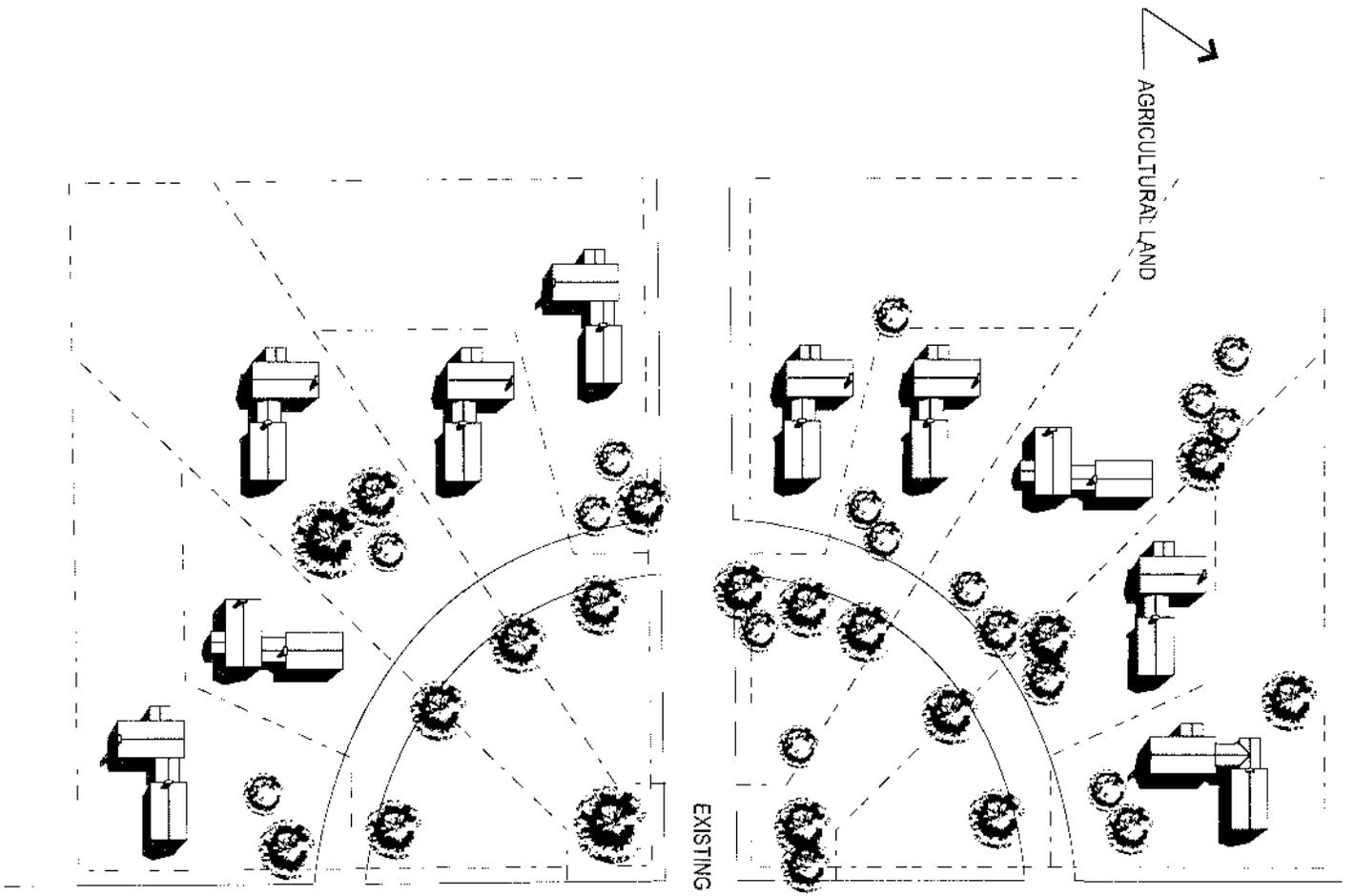
The development of new hamlets is based upon the scale and extent of historic examples, and range generally in size from 10 to 25 acres. The planning of new hamlets addresses issues of concern in modern rural environments, which include heavier flows of vehicular traffic on rural roads.

- New housing units are generally clustered, arranged irregularly, or configured to give the sense of having made a place.





HAMLET ON AN EXISTING ROAD



HAMLET AT AN EXISTING INTERSECTION

- A plan for shared access is devised so that every housing unit does not require its own roadway access and drive.
- Whereas housing units are generally clustered, hamlet plans set aside open space and natural features to form a setting for the entire development.
- New hamlet plans require central utility services.

**Planned Unit Development –** The PUD is a type of development which combines a variety of housing types, sometimes adding commercial or other land uses within a single plan. The PUD provides an alternative to the more standard, lot by lot subdivision of land in which zoning regulations define lot size and building placement. The PUD actually combines aspects of zoning regulations and subdivision requirements, providing the developer the opportunity to vary standard lot sizes, locate streets and open space or natural features, and defines development standards for individual portions of the plan, and for the overall plan. A single PUD plan may combine cluster development in a portion of the land, with standard subdivisions in other portions. This flexibility in planning also allows various aspects of land conservation where appropriate, including designating natural areas as reserves, declaration of scenic easements, and the design of neighborhood parks.

Planners and engineers have always favored planned unit development, because the PUD usually encompasses hundreds of acres, thus permitting a greater degree of planning control for the public planner than trying to coordinate many small development proposals with many owners.

**Traditional Neighborhood Development - (TND)** is a specific form of a Planned Unit Development which is based upon the development pattern of historic (circa late 1890's and early 1900's), American towns. The planning concept is to plan a mixed use development where civic, commercial and residential buildings are laid out in close proximity to each other, for the purposes of achieving a walkable, pedestrian friendly and convenient place to live with a sense of community.

Also called "Neo-traditional Development," and often "New Urbanism," The TND refers to a pattern of development that also mixes housing types and price ranges (rather than grouping like houses in pods); possesses an interconnected street network (rather than relying on dead-end cul-de-sacs); provides the essence of a community center with civic spaces such as a village green with small shops; and achieves a human scale and social design that emphasizes front porches and tree-lined sidewalks, with garages located in the rear of houses with alley access. TND plans are directed toward solving the problems of typical suburban development, including separation of uses, social isolation, over-reliance on the automobile, and traffic congestion.

Communities that have resolutions or ordinances that permit traditional neighborhood development generally allow TND as an alternative to land use zoning development options. Within the National Road study corridor, St Clairsville and Columbus provide TND as an alternative for developers to use.

## **LIVING ARRANGEMENTS FOR SENIOR CITIZENS**

From a community planning perspective, the most significant trend in America is the growing proportion of the national population that is 65 years of age or older.

This segment of the population is also growing the fastest throughout the developed world.

In the United States, it is estimated that 12 percent of the population was over 65 in 2000, and the Census Bureau estimates that by the year 2030, this percentage will grow to more than 20 percent. If correct, this predicts that 71.4 million Americans will be 65 years of age 22 years from now.

The magnitude of this change, journalized generally as the aging of the baby boomer generation, will impact every community in America in many ways. The elderly segment of the population is currently the wealthiest, but it is estimated that only about half of the "boomers" will be able to maintain their standard of living. It is estimated that one in four of these seniors will become dependant upon government programs. Estimates predict that there will need to be twice as many physicians specializing in geriatrics to serve the elderly population, and 500,000 more nurses by 2020. There will certainly be a need for the development of senior housing communities.

In senior communities, there are three levels of "help" available. Then there are extras, which blur the lines. In all senior communities, the point is to add services and activities to keep quality of life high and full – but remove the hassles. Therefore, lots of "specials" are available which can keep someone who needs active care in an "independent" category. You can buy round the clock nursing, or an hourly companion. The companions, may help around the house, read aloud, run errands, or escort on a jaunt around the facility.

**Independent Living** - Residents have an apartment or a house of their own, configured in a variety of ways. The unit could be in an apartment building with an elevator. It could be one of several clustered cottages located around a community and administration building. Units are usually one floor units, complete with kitchen, bath and living space. If you are a resident, you are truly on your own. If you want cable or internet service, you get it like you would in an apartment building. In most senior communities, maintenance and housekeeping are provided as part of your monthly charge. So that is eased, but all of the rest of the logistics of life are there for the resident to manage if that's what they wish.

The community has dining rooms, health facilities and nursing support, outings, and concerts, but residents initiate participating in them. Most independent living facilities have a check in system of some type. Some have "help buttons" everywhere, and if a resident happens to leave the phone off the hook, a staff person arrives in seconds to check if everyone is fine. Some facilities operate a phone- in system, whereby residents are asked to phone security by 10:00 am, each morning.

**Assisted Living** - most typically, would be hotel like relative to the physical facilities. Residents have a room, or a suite, with a bath and some storage, but they would not have a kitchen. Like in a hotel, however, there might be an area for a coffee maker and a little fridge and maybe a microwave. With the "apartment" comes lots of close by community living. There are craft rooms, living rooms, television rooms, a library, dining rooms, and terraces all very close. These facilities are used by all residents of the assisted living unit.

Nursing staff will be on all floors at all times. There will be aids, to help residents get dressed, push wheel chairs, be close when using a walker, or get to dinner. Laundry and all personal care services are handled by the facility. They will make sure haircuts and pedicures happen if that is the typical for the individual. In

assisted-living, the furnishings will likely be mixed – the facility provides some (bed and dresser if you need it) but provides “space” so the resident can have some familiar possessions, like a chair-side table-lamp, computer desk, or photo’s and art. Assisted living facilities will also likely handle all medications. They will dispense them, and they have nurses for this purpose. Residents likely do not have a bottle of aspirin in the medicine cupboard, but can go to the nurse and ask for one.

**Nursing Home Living** – Living in a nursing home is like living in a residential clinic. Full skilled nursing care is present 24 hours a day, 7 days a week. Each resident has a bedroom, which is a disguised nursing care room. Residents are encouraged to bring their keepsakes, and favorite small furniture pieces. Residents are generally grouped in wings within the facility according to similarity in age related conditions. A given wing, for example, will have residents who remain very active socially. Another wing may be a dementia unit, where supervision is added to keep track of folks who might wander.

Nursing home facilities look like one story hospitals with many wings to permit day lighting to all rooms. There are dining facilities, and social areas for residents, and usually a large living room for use when family members visit a resident. The facility is usually surrounded with landscaping and many outdoor terraces for use by residents and guests during visits.

## **TOWN CENTER PLANNING PRINCIPLES**

Whether large or very small, the Town Center takes on the role of serving as the vibrant heart of its community. It will have shops and offices, and provisions for social activity and entertainment. It will also be the place for parks, and a central green. Public parks a central green provide the lawns or setting for public buildings, like a library, a village hall, or a church.

Town center zoning needs to allow a great variety of uses to mix all together, and it needs to allow mixed uses within single buildings, for example offices or apartments above shops. Town center buildings need to be at least two stories in height, and they need allowance to be three or four stories in height. Medium and high density housing (12 to 16 units per acre) should be permitted within town center districts, because town centers need a built-in resident population to remain viable. Provisions in the zoning resolution should also be made to permit projecting name plate signage, sidewalk sales, and outdoor dining.

While needing to accommodate the automobile and delivery vehicles, town centers should be designed for the pedestrian and outdoor social activity. There should be places provided for sitting and talking with friends. Restaurants and food establishments should provide places for outdoor dining. Because of public sociability in town centers, layout of the street network is very important. To a real extent, each street within a town center is also a pedestrian way. Sidewalks and tree lawns are important elements in designating pedestrian priority, and in providing the sense of security for pedestrians.

- Town center planning should focus on streetscape and landscape design. Street trees, street lighting and street furniture are important elements that encourage the “walkability” necessary to activate town centers with a constant flow of patrons. Street lighting should be directed downward to avoid light pollution.

- Facilities should be provided for people arriving by bicycle, and there should be provision for marking bike lanes on designated streets.
- Public Buildings should front parks or the common green, and they should be sited so as to terminate the views of motorists arriving by public road, and so that they can serve as landmarks for the Township.
- In town centers, parking is always shared, unless in the form of individually owned garages. A small amount of parking should always be located in the front of shops, but the bulk of all parking should be located behind buildings.
- Parallel parking along curbs should be encouraged in town centers. Curbside parking is the oldest form of parking in American towns, and it separates streets from walkways, providing a great sense of security for pedestrians.
- Provision must be made for wheelchair curb ramps and accessible entry to business and public buildings.
- Provisions must be made for a project "postal facility", a project mail drop point, particularly given that the US Post Office will likely deliver mail only to a certain number of locations, not individual merchants and businesses.
- Parks and the central green should be designed as well as landscaped, and furnished with civic equipment and facilities, if people are expected to utilize them to their full potential.

## **PLANNING AND DESIGN GUIDELINES FOR NEW HOUSING DEVELOPMENT**

In rural areas there are very few elements of the natural or manmade environment that are either regular or geometrically aligned. Even the regularity of furrows in a field becomes visually modified by stands of trees, drainage ways and topography. It is no wonder that a new single family subdivision built within a rural area seems out of place and totally contrived, as though made by a machine.

The sense of being out of character is to a large extent the fault of developers and builders who's main objective is to get in quick, build fast, sell out fast, and move on to the next project. This seems to be particularly true for the first subdivision in a rural area. Townships zoning commissions and trustees usually see the result of production building as lower in quality than is acceptable, and the standard response to seek higher quality is to change requirements to cause larger houses.

The fact is that by requiring larger house sizes, zoning commissions and township trustees could actually cause lower quality, because the production builder will try to achieve the same sale price which was set by his marketing research. The truth about quality in construction is that the **most basic ingredient of quality is design and the proper use of materials.**

This works against the production builders, who want to use an expensive material on the front facades of houses, some combination of materials that cost less on the side facades, and the cheapest materials on the rear facades. They also prefer to load up houses with glitter and fancy appliances like Jacuzzis to increase sales.

Millcreek Township should change the basic assumptions and the requirements for planning land subdivisions for residential development. All future subdivisions should conserve open space and natural features, and they should provide large and small parks for public use. All such parks should be landscaped in accordance with Millcreek Township's commitment to tree communities. The Township should also focus on design requirements that will cause higher quality in construction.

This effort begins with finding ways to destroy the visual sense of production building, and suggesting guidelines to help builders devise designs and other ways to make their developments appear special, as though they were custom designed.

- All garage doors should not front the street. Some should be side loading in a development, or to the rear of houses. This would allow some houses to have a Porte-cochere, or carriage porch, maybe with a room above.
- Houses should not line up like little soldiers along the street. Zoning regulations should require that setbacks should be varied.
- Regulations should be changed to cause lot widths to be varied. For example, if the standard lot width is now 90 feet in a given zoning district, regulations should be changed to require that some lots would be 80 feet, and others 100 feet, with the total of all widths averaging to 90 feet.,
- Production builders should be required to devise a variety of new plans, with some that are long and skinny, so some houses could be sideways and make some lots seem to be wider and less regular.
- All four facades of every house should be designed to use the same material. If the house is brick, all four sides should be brick. If it is vinyl siding with wood trims, all four sides should be the same. If a house is designed so that there are "wings" or ground floor "pieces" then these bits could be a different material, visually indicating a later addition. No façade should consist of a mix of materials. Vinyl-sided houses with wood trim should be limited to no more than 30% in any given development.
- The Township should encourage the use of timber, wood, stone, and brick masonry as façade materials, to provide a visual connection with the Township's history.
- The visible portions of foundation walls are important. There should be no visible, poured concrete foundation walls or concrete blocks. Builders should be required to provide stone veneer on the visible portions of foundation walls, as this is also a tie to Millcreek Township's history.
- Many builders provide house designs with rear yard decks. Decks are fine, but raised decks can be out of character in rural areas if they are elevated two feet or more on posts, unless the lot topography requires a change in elevation. Elevated decks should be surrounded by stone or masonry walls or landscaping. Rear yard terraces are more appropriate on flat sites and in rural areas, and some percentage of the houses in a development should be required to have front porches, and there should be an additional percentage of houses required to have a front yard terrace.
- The first floor of some houses should be lifted more than others above grade. There should be no "ranch" plans that seem to be stuck into the ground at grade.
- At least 10% of the total lots in a development should be set aside for custom- designed houses. Buyers of these lots would hire their own architects and contractors and do something special.
- All new houses should have full basements.
- Rear yard storage sheds should be prohibited. Garages can be made larger initially to allow storage functions, or garages can be planned to accommodate future additions for storage purposes.
- Privacy fences might be appropriate in town center developments of greater density, but such fences are out of character on rural single family lots. Landscaping should be used to provide privacy if privacy is necessary. Fences may also be appropriate in a PUD, particularly if clustering places housing units close together. In such instance, the fences should be standardized, maintained and well landscaped.

- House plans for corner lots should be different from the plans built on interior lots.
- Millcreek Township should define a standard street sign, and developers should provide them for their developments. Millcreek Township desires to become a "tree community", and therefore, plans for all residential developments should include land set-asides for active and passive parks, as well as natural wooded areas and green space corridors.

## **TRANSFER OF DEVELOPMENT RIGHTS**

The transfer of development rights (TDR) is one of the most commonly used tools to preserve natural areas such as woodlands, wetlands, and drainage ways, and to preserve active farmland. The concept works best when a community knows which natural areas and which farmland tracts it wants to preserve in the face of development pressure, and which locations can most readily and desirably be developed for other land uses.

The program begins by designating "sending zones" and receiving zones," much like identifying future land use designations. Sending zones define areas that the community wants to preserve, and they include critical natural areas and important tracts of farmland. Receiving zones correspond to land areas that the community has defined as appropriate for development. These zones are mapped in the same way that a community prepares a zoning map to control what types of development can be located in various places. These decisions in a township would be made by the Zoning Commission and Township Trustees.

The concept is based on the idea that the ownership of land in fee simple (absolute ownership) consists of a bundle of rights, which include the right to privacy, mineral rights, the right to develop the property, as well as the right to sell, among others. The TDR process begins by assigning a value to the right to develop the land. Each parcel of land throughout the township is assigned a specific number of development rights, based upon the township's zoning resolution and the availability of utility services. For example, farmland without utility services might be permitted one housing unit for every five (5) acres, and farmland within a utilities service area might be permitted two housing units for every two acres. In a township, the assignment process would be controlled by the Zoning Commission and Township Trustees. Once assigned, these development rights can be bought or sold, and the residual property rights, including the ownership of the land remain with the owner.

TDR operates as follows. The lands in a designated sending zone have been assigned a development density limit, or total number of housing units. Lands within receiving zones are also permitted a density limit based upon existing zoning. If a developer who owns lands within a receiving zone wants to develop his property at a higher density than he is permitted under existing zoning, he must purchase development rights from an owner of land within a sending zone. Land owners in sending zones thus have a new option to developing their own property. They can sell their development rights in an open market to a property owner in a receiving zone, and they can retain ownership of their land.

Developers of lands in receiving zones have a method to pursue to achieve their objectives. The community, which has defined where higher density development is appropriate, has a means to implement their development and growth plan. Once the development rights to a land holding have been sold, the land can no

longer be developed, and the community has the added benefit of having preserved important natural area or farmland.

The TDR program works best when a conservancy or land trust issues certificates for development rights. This process allows for a conservation easement to be transferred to the conservancy or land trust at the closing of the sale of development rights.

## **PURCHASE OF DEVELOPMENT RIGHTS**

The purchase of development rights (PDR) is a tool used primarily for the preservation of farmland. The right to develop land is one of many rights of fee simple ownership. Similar to the sale of mineral rights, an owner can sell development rights, and retain ownership of the property.

In locations where a PDR program is in operation, a land trust (or conservancy), a local government, a state government, or a not-for-profit foundation will actively seek to purchase development rights of prime farmland for preservation purposes. Landowners are free to turn down offers to purchase development rights, but some farmers who are finding it difficult to make annual profits, and others who are nearing retirement, find the idea to be advantageous.

Sprawl continues in America for the principal reason that farmland on the fringe of urban areas has a lower value than subdivision developers are willing to pay on a per acre basis. It has been customary, for example, that developers are willing to pay \$5,000 per acre for farmland that is worth \$2,000 per acre in agricultural use. In this case, a PDR offer would be to pay the difference of \$3,000 per acre to secure development rights, and the farmer would retain ownership of the land. If such an offer would be accepted, a deed restriction would be placed on the land which would restrict the types of uses that may take place on the property in perpetuity. The deed restriction could also be called a conservation easement.

The principal disadvantage of PDR programs is that they require vast sums of cash to preserve extensive farmland acreage.

## **LAND TRUST**

A land trust is a private, non-profit conservation organization. Also known as conservancies, land trusts work to protect community assets such as the following:

- Wetlands and wetland areas;
- Ecologically sensitive lands such as aquifers and estuaries;
- River banks, watersheds and coastal zones;
- Productive agricultural and forest land;
- Natural scenic and recreation areas;
- Natural resources such as lakes or rivers;
- Historic sites; and
- Wildlife habitats.

Land trusts work to protect natural area and agricultural land assets in several ways. They protect resources by acquiring ownership. They purchase conservation easements, and receive them through gift. Land trusts also actively work to facilitate the transfer of ownership of lands or easements to other conservation organizations that will ensure protection.

Land trusts utilize a variety of tools and negotiating techniques to achieve their acquisitions. These include the following:

- Pre acquisition- Property is purchased and held by the land trust until another entity, such as a county, city or village can allocate funds to buy it and place it under permanent protection;
- Rights of First Refusal- A purchased right to match any third-party offer to acquire a property;
- Conservation Easement- The purchase of certain rights, such as limitations of extent or density of development, or land use restrictions;
- Bargain Sale- An arrangement whereby a landowner can obtain the same economic benefit of outright sale and paying taxes on gains, by donating part of the land for tax benefits, and selling the balance.
- Outright Donation- An arrangement whereby a land owner donates land to a conservation organization in exchange for the right of lifetime use. Another option is for an owner to will the land to a land trust.

There are other techniques as well, but the idea is that a conservancy would work to develop creative ways to preserve resources that would meet the needs of landowners, the land trust, and the larger community.

Land trusts generally are run by local citizens, and they rely upon volunteer labor. They are often not well funded, and for those that are not, maintaining administrative continuity often becomes problematic. The general public is often apathetic to the causes and work of land trusts, and promotional efforts are usually essential to maintain viability.

Land trusts offer important advantages, however. They are private, and much more flexible and nimble in business dealings than units of government. They are non profit organizations, and they do not pay taxes. Donations to land trusts are tax deductible.

MAP REFERENCES:

- 1 - Bayly Point Site Concept, Exhibit B, September 24, 2008.
- 2 - SE Union County Thoroughfare Plan DRAFT, revision 05-15-2008, Union County Engineer.
- 3 - 2003 Union County Highway Map, Union County Engineer,  
<http://w2.co.union.oh.us/Engineer/engineer.html>, 2009-08-07
- 4 - Millcreek Township Future Land Use Plan, 2006, <http://www.unioncountyed.com>, 2009-08-07
- 5 - US33 Corridor Concensus Future Land Use Map, [www.lucplanning.com](http://www.lucplanning.com), 2009-08-07
- 6 - City of Marysville Growth Area, 9/6/2005.
- 7 - City of Marysville Water Master Plan, 2005. Figure H-1, "Marysville Water Distribution System Existing (2005) Network Model"
- 8 - City of Marysville Water Master Plan, 2005. Figure IV-I, "Marysville Water Distribution System 15 year Future Expansion (2020) Network Model."
- 9 - City of Marysville Wastewater Master Study Update, August 2007. Figure G-1, "Proposed Harriott Road Trunk Sewer Alternatives I & III"
- 10 - City of Marysville Wastewater Master Study Update, August 2007. Figure G-3, "Proposed Watkins-California Trunk Sewer Alternatives I & III"
- 11 - US33 Corridor Composite Utility Plan, taken from City of Marysville Wastewater Master Study Update Appendix

OTHER REFERENCES:

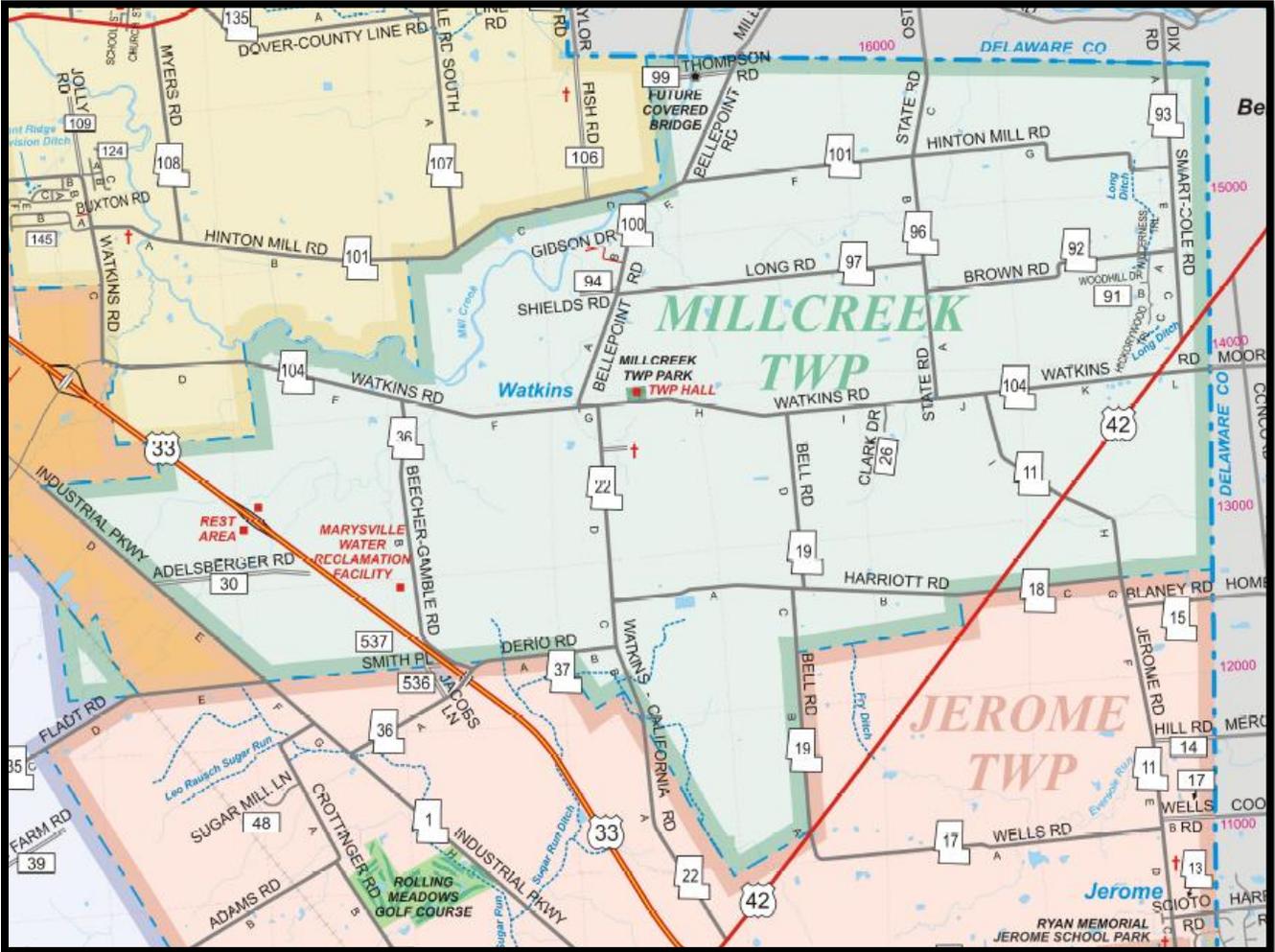
- <http://www.mnland.org/pdf%20files/cdp-jacksonmeadow.pdf>
- <http://www.coenpartners.com/work/community/jackson-meadow/>
- <http://www.mnproject.org/pdf/ccschapters/jackmead.pdf>

**Millcreek Township Zoning Resolution  
2011**



# MILLCREEK TOWNSHIP ZONING RESOLUTION

## UNION COUNTY, OHIO



**Prepared By:**  
Millcreek Township Zoning Commission

**Effective:**  
March 9, 2011

**Amended:**  
July 20, 2012 – Wind Turbines & Economic Impact Statement  
December 4, 2013 – Signs and Advertising  
April 18, 2014 – Fuel Station Standards

## **ACKNOWLEDGEMENTS**

### **Millcreek Township Board of Trustees:**

Keith Conroy  
Bill Jordan  
William Lynch

### **Millcreek Township Fiscal Officer:**

Joyce Beaver

### **Millcreek Township Zoning Commission:**

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

### **Millcreek Township Board of Zoning Appeals:**

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

### **Millcreek Township Zoning Administrator:**

Joe Clase

### **Consultant:**

Jill Tangeman, Esq.

# MILLCREEK TOWNSHIP ZONING RESOLUTION

## UNION COUNTY, OHIO

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

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

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

WHEREAS, the Millcreek Township Zoning Commission initiated revisions of the Millcreek Township Zoning Resolution on 12/9/10 and has held a public hearing regarding such amendments; and,

WHEREAS, the Logan-Union-Champaign Regional Planning Commission has reviewed revisions of the Millcreek Township Zoning Resolution and made recommendation on 1/13/11 under authority and in accordance with the provisions of Section 519.12 of the Ohio Revised Code; and,

WHEREAS, the Millcreek Township Zoning Commission has recommended revisions of the Millcreek Township Zoning Resolution on 1/20/11 and has submitted such amendments to the Board of Trustees of Millcreek Township under authority and in accordance with the provisions of Section 519.12 of the Ohio Revised Code.

THEREFORE, the Board of Trustees of Millcreek Township adopt the following Zoning Resolution on 2/7/11 under the authority and in accordance with the provisions of the Ohio Revised Code with said amendments becoming effective 3/9/11; and

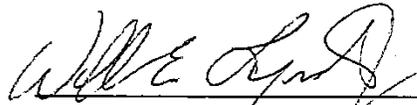
FURTHERMORE, This Zoning Resolution of the Millcreek Township, Union County, Ohio, is enacted in accordance with a comprehensive land and use growth plan and the provisions of Chapter 519, of The Ohio Revised Code, and for the purpose of protecting the public health, safety, comfort, convenience and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

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

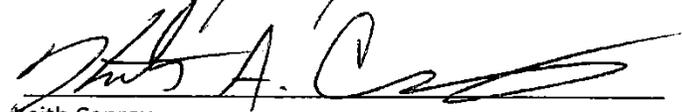
PASSED: FEBRUARY 7, 2011

BY: The Board of Trustees of Millcreek Township

EFFECTIVE: MARCH 9, 2011

  
Bill Lynch, Chairperson

ATTEST:   
Joyce Beaver, Fiscal Officer

  
Keith Conroy

ATTEST:   
Joe Clase, Zoning Administrator

  
Bill Jordan

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## **ARTICLE I – INTERPRETATION & APPLICATION OF THE RESOLUTION**

### **Section 1000 – Title:**

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

### **Section 1010 – Effective Date of Resolution:**

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

### **Section 1020 – Repeal of Conflicting Resolutions & Effective Date:**

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

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

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

### **Section 1040 – Separability Clause:**

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

### **Section 1100 – Agriculture:**

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

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

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

## **ARTICLE II – ESTABLISHMENT OF DISTRICTS**

### **Section 2000 – Zoning Districts:**

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

U-1 - Farm Residential District	(Section 6100)
R-1 - Low Density Residential District	(Section 6200)
B-2 - General Business District	(Section 6500)
M-2 – Manufacturing District	(Section 6750)
EQ - Excavation and Quarry District	(Section 6800)
MH - Manufactured Home Parks	(Section 6900)
PRD - Planned Residential District	(Section 7200)
PCD - Planned Commercial and Office District	(Section 7300)
PID - Planned Industrial District	(Section 7400)
PTCD - Planned Town Center District	(Section 7500)

### **Section 2010 – District Regulations:**

All District Regulations are found in subsequent Articles.

### **Section 2020 – Prohibited Uses:**

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

## **ARTICLE III – PROVISION FOR OFFICIAL ZONING MAP**

### **Section 3000 – Official Zoning Map:**

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

### **Section 3010 – Identification of the Official Zoning Map:**

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

### **Section 3020 – Recording Changes in the Official Zoning Map:**

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

### **Section 3030 – Replacement of the Official Zoning Map:**

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

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

### **Section 3040 – Preserving Records:**

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

### **Section 3050 – Interpretation of District Boundaries:**

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

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

## **ARTICLE IV – ADMINISTRATION AND ENFORCEMENT**

### **Section 4000 – Office of Zoning Administrator Created:**

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

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

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

### **Section 4100 – Zoning Permits Required:**

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

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

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

### **Section 4110 – Application for Zoning Permit:**

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

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

### **Section 4120 – Changes to Plans during Construction:**

Any changes to the structural plans or placement of said structure on the building lot during construction shall require that construction be halted and a new site plan be drawn. The Zoning Administrator should be immediately notified so as to make

an onsite inspection of any proposed change. The Zoning Administrator shall visit the site at a minimum of once during the first month of construction and every two months thereafter until completion of construction activity.

**Section 4130 – Issuance of Zoning Permits:**

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

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

**Section 4140 – Failure to Obtain a Zoning Permit:**

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

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

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

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

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

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

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

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

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

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

**Section 4180 – Zoning Certificate Required:**

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

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

**Section 4200 – Board of Zoning Appeals Established:**

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

**Section 4201 – Organization of the Board of Zoning Appeals:**

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

**Section 4210 – Alternates to the Board of Zoning Appeals:**

The Board of Township Trustees may appoint two alternate members to the Board of Zoning Appeals, for terms to be determined by the Board of Township Trustees. An Alternate Member shall take the place of an absent Regular Member at any meeting of the Board of Zoning Appeals, according to procedures prescribed by Resolution by the Board of Township Trustees. When attending a meeting on behalf of an absent Regular Member, the Alternate Member may vote on any matter which the absent Member is authorized to vote. An Alternate Member shall meet the same appointment criteria as a Regular Member.

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

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

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

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

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

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

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

**Section 4240 – Proceedings of the Board of Zoning Appeals:**

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

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

The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question,

or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be filed by the Zoning Administrator as appropriate.

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

- (A) Permitted Conditional Uses. The conditional uses shall conform to all requirements of this Resolution before being permitted in their respective districts. All conditional uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case. The Board of Zoning Appeals has the authority to deny, grant or grant with conditions a Conditional Use Permit.
  
- (B) Standards Applicable to all Conditional Uses. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing and future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district, and the location, nature or height of buildings, walls, fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. In addition, operations in connection with any conditional use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, or flashing light, than would be the operation of any permitted use.
  
- (C) Review and Modification. A Conditional Use Permit shall be deemed authorized for only one particular conditional use and shall expire if the conditional use shall cease for more than one year for any reason. A Conditional Use Permit must be reviewed for compliance 90 days after issued and within three years of issue date by the Zoning Administrator. The Zoning Administrator can review a conditional use at any time. The Board of Zoning Appeals must set a review timeframe of no more than three years, from date of issue for a Conditional Use Permit. As part of this review process the Board of Zoning Appeals may modify a current Conditional Use Permit to account for changes in the activity granted under the Conditional Use Permit. This modification may occur during the review period or at the request of the property owner holding the Conditional Use Permit.
  
- (D) Existing Violations. No Conditional Use Permit shall be issued for a property where there is an existing violation of this Resolution or the Ohio Revised Code for a period of time beginning ten (10) days prior to the public hearing for proposed conditional use. Such activities in conformance with the proposed conditional use shall not be governed by this standard. This exemption shall not prohibit the Zoning Administrator from enforcing the Zoning Resolution.
  
- (E) Plan Required. One (1) original and seven (7) copies of the plan for the proposed development of a site for a permitted conditional use shall be submitted with an application for a Conditional Use Permit, and such plan shall contain the following information:
  - (1) The location of all buildings (existing and proposed);
  - (2) Parking, loading, and storage areas;
  - (3) Traffic access points and circulation routes;
  - (4) Parking areas including the location and number of spaces proposed;
  - (5) Landscaped areas and other open spaces;
  - (6) Lighting (location, type and wattage)
  - (7) Refuse and service areas;
  - (8) Location of existing utilities and proposed utility expansion areas;
  - (9) Location of signs (does not exempt application from sign permit requirements);
  - (10) Other such information as the BZA may determine needed to determine if the proposed conditional use meets the requirements of the Resolution.

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

- (F) Additional Required Information: The applicant is also required to provide the following additional information:
- (1) A narrative statement discussing the existing and proposed number of employees or residents, hours of operation, and type of sales on premises.
  - (2) A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, odor, and fumes on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the Millcreek Township Comprehensive Land Use and Growth Plan.
- (G) Board of Zoning Appeals Written Findings: Before any conditional use shall be issued, the Board of Zoning Appeals shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provisions and arrangements have been made concerning the following, where applicable:
- (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
  - (2) Off-street parking and loading areas where required, with particular attention to the items above.
  - (3) The economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.
  - (4) Refuse and service areas, with particular reference to the items in (1) and (b) above.
  - (5) Utilities, with reference to locations, availability, and compatibility.
  - (6) Screening and buffering with reference to type, dimensions, and character.
  - (7) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
  - (8) Required yards and other open space.
  - (9) Proposed hours of operation
  - (10) General compatibility with adjacent properties and other property in the district.
  - (11) Additional information as requested by the Board of Zoning Appeals to make an accurate determination on the application
- (H) Conditions Imposed: This Resolution confirms to the Board of Zoning Appeals the powers to set forth conditions as part of an approved Conditional Use Permit. These conditions are meant to uniquely address how a conditioned use co-exists with adjoining and surrounding properties to ensure continued harmony. The Board of Zoning Appeals may set conditions addressing including but not limited to:
- (1) Current and future size of Conditional Use Permit operation
  - (2) Number of employees
  - (3) Number of buildings, along with size and setbacks
  - (4) Noise, as measured in decibels
  - (5) Require the site plan to be attached to the Conditional Use Permit, as a condition, for the purpose of evaluating issues that may arise in the future
  - (6) Number of vehicles or equipment related to the conditional activity
  - (7) Hours of operation, including days of the week
  - (8) Type of drive (i.e. stone, paved, etc...)
  - (9) Type and height of screening (i.e. trees, mounding, etc...)
  - (10) Storage of materials used in the Conditional Use Permit activity
  - (11) Drainage
  - (12) A phasing plan including deadlines for compliance, if necessary
  - (13) And other conditions to address the unique aspects of the conditioned use to ensure compatibility with surrounding properties
- (I) Supplementary Conditions and Safeguards. In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Section 4360 hereof.

**Section 4251 - Revocation of Conditional Use Permit**

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

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

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

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

- (A) Conditions Considered. The following conditions shall be considered in the public hearing and employed in the review of an application for a Conditional Use Permit:
  - (1) Whether the proposed use is in accordance with the general objectives and specified objectives of the Zoning Resolution.
  - (2) Whether the proposed use will be designed, constructed, operated and maintained so as to be compatible and appropriate in appearance with existing or intended character of the neighborhood and zoning district.
  - (3) Whether the proposed use will create an undue burden on public facilities and services and whether it will be detrimental to the economic welfare of the community.
  - (4) Whether the proposed use will be hazardous or disturbing to existing or future permitted uses or entails a use, structure or condition of operation that constitutes a nuisance.
- (B) Notice. Notice shall be given by first class mail at least 10 days in advance of the public hearing to the owner (applicant) and to all owners of property contiguous to and directly across the street (road) from the property concerned. Said notice shall also be published once in a newspaper of general circulation in the area at least 10 days prior to the hearing. The mailed and published notices shall set forth the time and place of the hearing and the nature or purpose of the hearing.
- (C) Attendance at Public Hearing: Any party may appear in person or by agent or attorney at a public hearing. Failure to appear in person or by agent or attorney may result in denial of conditional use, and forfeiture of any fees paid. Board of Zoning Appeals members may not act as agent or attorney for the applicant.
- (D) Finding: The Board of Zoning Appeals shall make a finding within thirty (30) days after the public hearing. The Board of Zoning Appeals shall approve, approve with supplementary conditions as specified by the Board, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Administrator to issue a conditional use permit listing the specific conditions specified by the board for approval. The applicant and Zoning Administrator must sign and date a copy of the permit acknowledging these conditions.
- (E) Transferability: If the property is sold, the new owner has sixty (60) days to come before the BZA to review and sign the Conditional Use Permit thereby acknowledging the conditions imposed on the property. Failure of the new owner to appear before the BZA and sign the Conditional Use Permit in that time frame voids the CUP and a new conditional use permit will be required.
- (F) Relief: If the application is disapproved by the Board the applicant may seek relief through the Court of Common Pleas.

**Section 4270 – Appeals:**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the governing body of the Township affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, not to exceed 20 days or such lesser period as may be provided by the rules of the Board of Zoning Appeals, by filing with the Zoning Administrator and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof.

The Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of appeal,

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

**Section 4271 - Stay of Proceedings:**

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

**Section 4280 – Variances:**

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

**Section 4281 – Factors Considered Regarding Variances:**

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

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

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

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

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

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

**The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for a variance.** Notice shall be given by first class mail at least 10 days in advance of the public hearing to the owner / applicant and to all owners of property contiguous to and directly across the road from the property concerned. Said notice shall also be published once in a newspaper of general circulation in the area at least 10 days prior to the hearing. The mailed and published notices shall set forth the time and place of the hearing and the nature or purpose of the hearing.

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

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

**Section 4320 – Supplementary Conditions and Safeguards May be Prescribed:**

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

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

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

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

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

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

**Section 4350 – Complaints Regarding Violations:**

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

**Section 4360 – Penalties for Violation:**

Any person who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined not more than the maximum allowable penalty under ORC 519. Additionally, such person convicted of a violation shall pay all costs and expenses involved in the case. Each day such a violation continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, construction contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Township Trustees from taking such other lawful action as is necessary to prevent or remedy any violations.

**Section 4400 – Township Zoning Commission Created:**

The Zoning Commission shall be composed of five members who are residents of the Township. The Board of Township Trustees shall appoint the members of the Zoning Commission. The terms of the regular members shall be of such length and

so arranged that the term of one member will expire each year. Each regular or alternate member shall serve until the member's successor is appointed and qualified.

**Section 4401 – Organization of the Township Zoning Commission:**

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

**Section 4410 – Alternates to the Zoning Commission:**

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

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

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

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

Any resignation of a Member must be in writing to the Board of Township Trustees. Vacancies shall be filled by Resolution of the Board of Township Trustees, for the unexpired term of the Member.

**Section 4430 – Powers and Duties of the Zoning Commission:**

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

**Section 4450 – Meetings and Agenda of Zoning Commission:**

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

**Section 4460 – Minutes:**

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

**Section 4470 – Procedure for Amendment or District Changes:**

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

**Section 4480 – General:**

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

**Section 4490 – Initiation of Zoning Amendments:**

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

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

**Section 4500 – Contents of Application:**

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

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

**Section 4501 – Involvement of the Regional Planning Commission:**

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

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

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

**Section 4520 – Notice to Contiguous Property Owners:**

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street

from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the county auditor's current tax list. The failure of delivery of such notice shall not invalidate any such amendment.

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

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

- (A) The name of the Zoning Commission that will be conducting the public hearing on the proposed amendment;
- (B) A statement indicating that the motion, Resolution, or application is an amendment to the zoning Resolution;
- (C) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of these properties, as they appear on the county auditor's current tax list;
- (D) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of such property;
- (E) The time and place where the motion, Resolution, or application proposing to amend the zoning Resolution will be available for examination for a period of at least ten days prior to the public hearing;
- (F) The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;
- (G) Any other information requested by the Zoning Commission;
- (H) A statement that, after the conclusion of such hearing, the matter will be submitted to the Board of Township Trustees for its action.

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

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

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

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

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

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

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

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

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

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

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

**Section 4590 – Effective Date and Referendum:**

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

Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment Resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in Section 3501.38 of the Ohio Revised Code.

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

**Section 4600 – Transmittal of Amendment:**

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

**Section 4700 – Office of Zoning Administrator Created:**

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

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

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

**Section 4720 – Removal or Resignation of the Zoning Administrator:**

The Zoning Administrator shall be removed for nonperformance of duty, misconduct in office, or other cause by the Board of Township Trustees. Upon filing of written charges to or by the Board of Township Trustees, they shall commence an investigation of the situation and hold a public hearing on the matter. The Zoning Administrator shall be given an opportunity to be heard and answer such charges. The Board of Township Trustees must notify the Zoning Administrator in writing of the

charges at least ten (10) days prior the hearing either personally, by registered mail, or by leaving such copy at the Zoning Administrator's usual place of residence.

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

**Section 4730 – Powers and Duties of the Zoning Administrator:**

The duties of the Zoning Administrator shall include:

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

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

## **ARTICLE V NON-CONFORMING USES**

### **Section 5000 – Intent:**

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

### **Section 5010 – Incompatibility of Non-Conforming Uses:**

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

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

### **Section 5020 – Avoidance of Undue Hardship:**

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

### **Section 5030 – Non-Conforming Lots of Record:**

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

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

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

### **Section 5050 – Non-Conforming Uses of Land:**

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

- (A) No such non-conforming use shall be enlarged, increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
- (B) No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Resolution.
- (C) If any such non-conforming use of land ceases for any reason for a period of more than 2 years, any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located;

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

**Section 5060 – Non-Conforming Structures:**

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

- (A) No such non-conforming structure may be voluntarily enlarged or altered in any way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity, except when authorized by the Board of Zoning Appeals in accordance with this Zoning Resolution.
- (B) Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than 50 percent of its reproduction value at time of damage shall not be restored except in conformity with the provisions of this regulations of the zoning district in which it is located.
- (C) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

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

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

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

**Section 5080 – Repairs and Maintenance:**

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

official.

**Section 5090 – Conditional Use Provisions:**

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

## **ARTICLE VI STANDARD ZONING DISTRICTS**

### **Section 6000 – Standard Zoning Districts Purpose:**

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

### **Section 6010 – Compliance with Regulations:**

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

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

## **SECTION 6100 – U-1 FARM / RESIDENTIAL DISTRICT**

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

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

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

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

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

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

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

- (A) Home Occupations as outlined in Section 10024
- (B) Commercial recreation (Examples Hunt clubs / Campgrounds)
  - (1) Recreational camping guest stays are limited to no longer than fourteen (14) consecutive days
- (C) Veterinary Service or Boarding Kennels, provided that the building or structure dedicated to the use is located at least two hundred (200) feet from any lot line and is subject to the following conditions:
  - (1) No building or structure used for the purpose of an animal shelter shall be located closer than four hundred (400) feet from the lot line of any residence, church, school, or any institution of human care.
  - (2) Suitable fencing and/or screening shall be provided as approved by the Millcreek Township Board of Zoning Appeals.
  - (3) The minimum lot size is five (5) acres.
  - (4) Outside runs are not within 400 feet of adjoining properties.
- (D) Cemeteries provided the following standards are met:

- (1) Internment shall not be within 300' of a dwelling house, unless the owner of such dwelling house gives consent, or unless the entire tract appropriated is a necessary addition to or enlargement of a cemetery already in use, as further provided in ORC 1721.03.
  - (2) A mausoleum shall not be within 300' of any property line.
  - (3) A crematory or other structure shall not be within 1000' of any property line.
  - (4) Every cemetery company or association shall cause a plat of its grounds and of the lots laid out by it to be made and recorded or filed in the offices of the county recorder in accordance with ORC 1721.09.
- (E) Bed & Breakfast Lodging
- (1) Limited to six (6) rooms for hire
  - (2) Owner must live on premises
  - (3) Lodging-guest stays limited to no longer than fourteen (14) consecutive days
  - (4) Subject to Fire Department inspection and approval

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

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

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

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

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

Minimum lot size shall be five (5) acres.

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

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

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

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

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

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

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

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

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

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

Ground floor area – Twenty-five (25) percent

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

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

## **SECTION 6200 – R-1 LOW DENSITY RESIDENTIAL**

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

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

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

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

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

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

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

- (A) Home Occupations as outlined in Section 10024
- (B) Commercial recreation
- (C) Public service facilities as defined in this Resolution
- (D) Quasi-public uses as defined in this Resolution
- (E) Group homes or Residential Care Facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary, the following conditions shall be imposed by the Board of Zoning Appeals:
  - (1) The facility shall comply with all Development Standards contained in this Resolution
  - (2) No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.
  - (3) No Group Home should be located within a one (1) mile radius of another such facility.

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

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

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

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

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

The minimum lot size shall be three (3) acres.

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

- (A) State highways: 180 feet; 80 feet if developed on a common access drive

- (B) Major collector: 180 feet; 80 feet if developed on a common access drive
- (C) Minor collector: 150 feet; 60 feet if developed on a common access drive
- (D) Local road: 100 feet; 60 feet if developed on a common access drive

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

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

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

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

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

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

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

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

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

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

## **SECTION 6500 – B-2 GENERAL BUSINESS DISTRICT**

### **Section 6501 – B-2 General Business District Purpose:**

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

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

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

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

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

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

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

### **Section 6525 – B-2 General Business District Prohibited Uses:**

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

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

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

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

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

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

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

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

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

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

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

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

Maximum = Sixty-five thousand square feet (65,000 s.f.)

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

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

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

Forty (40) feet

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

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

**Section 6539 – B-2 General Business District Standards:**

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

## **SECTION 6750 – M-2 MANUFACTURING DISTRICT**

### **Section 6751 – M-2 Manufacturing District Purpose:**

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

### **Section 6752 – M-2 Manufacturing District Permitted Uses:**

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

- (A) Rebuilding of existing homes or other buildings
- (B) Manufacturing and assembly of:
  - (1) Apparel
  - (2) Appliances and associated components
  - (3) Electrical equipment
  - (4) Footwear
  - (5) Specialty vehicles (low volume – 100 units or less per month)
  - (6) Robotics
  - (7) Cabinetry and millwork
  - (8) Plastics products
  - (9) Glass & glass products
  - (10) Architectural & structural metals
  - (11) Machine development
  - (12) Computer & electronic products
  - (13) Motor vehicle specialty parts
  - (14) Aerospace product and parts
  - (15) Pharmaceutical
  - (16) Spring & wire product
  - (17) Fabricated metal products
  - (18) Industrial and commercial machinery
  - (19) Measuring and analyzing instruments
  - (20) Transportation equipment
- (C) Research & development, research laboratories, research assembly services, research testing facilities.
- (D) Business offices.
- (E) Outdoor advertising / billboards.
- (F) Printing and publishing facilities, except for paper manufacturing
- (G) Agricultural sales and services
- (H) Service or repair facilities provided all business-related activities are performed entirely within an enclosed or screened structure, including the parking and storage of customer and business-owned equipment. Also see Section 6763 Manufacturing District Design Standards.

### **Section 6753 – M-2 Manufacturing District Desired Characteristics:**

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

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

**Section 6754 – M-2 Manufacturing District Conditional Uses:**

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

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

**Section 6755 – M-2 Manufacturing District Prohibited Uses:**

Uses not specifically permitted, or conditionally permitted in this district shall be prohibited. Below is a list of expressly prohibited uses. This section should also be referenced when considering a conditional use request to ensure such use is not similar in nature to one of these items.

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

**Section 6756 - M-2 Manufacturing District Development Standards:**

The use of land and structures within the M-2 Manufacturing District shall conform to the following standards.  
Maximum building size = 50,000 square feet

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

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

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

Shall follow the Union County Engineer’s Access Management Regulations

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

- (A) A front setback of ninety (90) feet from centerline of the road shall be required.

- (B) Side setbacks of twenty-five (25) feet shall be required. If the use is adjacent to a residential zoning district or a planned conservation residential district or planned residential district, such side lots shall be one hundred (100) feet from the shared lot line. Where the side lot abuts a road the side lot setback will be ninety (90) feet from the centerline of the road.
- (C) A rear setback of fifty (50) feet shall be required. If the use is adjacent to a residential zoning district or a planned conservation residential district or planned residential district, the rear lot setback shall be one hundred (100) feet from the shared lot line. Where the rear lot abuts a road the rear lot setback will be ninety (90) feet from the centerline of the road.

**Section 6760 – M-2 Manufacturing District Maximum Lot Coverage:**

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

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

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

**Section 6762 – M-2 Manufacturing District Accessory Buildings:**

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

**Section 6763 – M-2 Manufacturing District Design Standards:**

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

## **SECTION 6800 – EXCAVATION AND QUARRY DISTRICT (EQ)**

### **Section 6801 – Purpose & Intent of EQ District:**

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

The intent of the EQ District is:

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

### **Section 6810 – EQ District Permitted Uses:**

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

### **Section 6815 – EQ District Prohibited Uses:**

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

### **Section 6820 – EQ District – Lot Area:**

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

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

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

### **Section 6840 – EQ District – Water Monitoring:**

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

- (A) Operable ground monitoring wells shall be placed at sufficient intervals, with sufficient depths, around the pit area to accurately monitor the effect of dewatering on all surrounding properties. The depth, placement and number of monitoring wells shall be at the discretion of the Zoning Administrator.
- (B) Measurements must be taken in a continuous manner and analyzed once a month. The quarry operator will monitor the water level fluctuations in the monitoring wells using automatic water level instrumentation consisting of pressure transducers and a data logger. A quarterly report will be submitted to the Zoning Administrator.
- (C) If the water level data indicates a decline in water level that could potentially impact water quality beyond the property line, a three-dimensional groundwater flow model will be used to evaluate the extent of the off-site impact. A

modification to the mine plan will be implemented, if necessary, and a copy filed with the Zoning Administrator to be available for public inspection.

- (D) Water from the monitoring wells shall be analyzed for acceptable standard water quality parameters by the Union County Health Department once a year. A copy of the Health Department report will be provided to the Zoning Administrator and the Board of Township Trustees.

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

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

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

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

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

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

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

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

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

- evaluate the damages in question and those two persons or entities shall select a third person or firm competent to make the evaluation of damages. At least two of the three people or firms shall agree on the amount of compensation.
- (E) In the event that any person shall receive a settlement under this procedure, such settlement shall constitute the sole remedy for the damage which is the subject of the complaint and the quarry operator shall be entitled to a general release and indemnification of all claims to restrict the right of any person to abandon the herein described procedure prior to settlement and to avail himself of any remedies at law which might be available as a result of the act or occurrence that occasioned the complaint.
  - (F) This mitigation plan shall apply only if the well owner has accepted the company's offer for the pre-operation well survey, or made a proper request for a well survey in accordance with Section 6843 above

**Section 6850 – EQ District Blasting & Blast Damage Protection:**

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

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

**Section 6853 – EQ District – Pre-blast Survey:**

- (A) Prior to commencement of blasting operations on newly rezoned ground, the quarry operator shall offer to perform a pre-blast survey for each residence, or other structure that could reasonably be damaged by proximate blasting, currently existing within 2,500 feet of the proposed blasting area as shown on the site plan or at any other locations outside the 2,500' limit but deemed appropriate by the quarry operator personnel.
- (B) This survey will be performed at no cost to the residential owner. This offer will be made in writing and delivered by certified mail, return receipt requested. The residential owner must accept the survey offer within 60 days of the date of mailing.
- (C) Surveys will be performed by an independent company in the presence of the residential owner. Copies of the survey will be given to the owner.
- (D) The purpose of this survey is to assess the pre-blast structural condition of the residence, which will serve as baseline data to assess any future owner complaints regarding blast damage.
- (E) New residences constructed within these boundaries shall also come within these provisions, as they come to the attention of the quarry operator, by residential owner request or otherwise.
- (F) A residence within these boundaries which had previously declined or otherwise not had a blast survey, may obtain one and come within these provision thereafter by sending a written request for such survey to the quarry operator, by certified mail, return receipt requested.

**Section 6860 – EQ District – Control of Nuisances:**

**Section 6861 – EQ District – Screening:**

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

**Section 6862 – EQ District – Stockpiles:**

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

**Section 6863 – EQ District – Setbacks:**

- (A) Mineral and aggregate extraction shall be at least five hundred (500) feet from adjoining property line(s), except as otherwise provided in paragraph B, below. An adjoining property owner may agree with the quarry operator to a smaller setback opposite such owner’s property only, provided minimum mound height is maintained, provided such agreement is in writing and recorded in the Union County Miscellaneous records, and copies are filed with the Township and Zoning Fiscal Officer.
- (B) In such places as the quarry operator owns the property adjacent to both sides of a public highway, the minimum mineral and aggregate extraction setback may be one hundred (100) feet from the road right of way, provided the quarry operator offers sufficient evidence to convince the Zoning Commission that such reduced minimum setback will not reduce the structural integrity or safety of the highway. Such evidence shall include a written statement of concurrence from the Union County Engineer.
- (C) Processing of mineral and aggregate material shall be at least six hundred feet (600) from adjoining property lines.
- (D) Office, shop and other accessory structures shall be at least five hundred feet (500) from adjoining property lines.
- (E) Storage of overburden for reclamation and berming may be allowed within setbacks, but inside the mounded area and no higher than the mound, subject to conformance with the reclamation plan.

**Section 6864 – EQ District – Fencing:**

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

**Section 6865 – EQ District – Noise control:**

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

**Section 6866 – EQ District – Lighting:**

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

**Section 6867 – EQ District – Hours of Operation:**

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

**Section 6868 – EQ District – Dust Control:**

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

Quarry operator's re-zoning application shall include a statement detailing its proposed means of dust control.

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

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

**Section 6870 – EQ District – Site Reclamation:**

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

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

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

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

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

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

## **SECTION 6900 – MANUFACTURED & MOBILE HOMES / MOBILE HOME PARKS**

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

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

### **Section 6910 – MH District Permitted Uses:**

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

### **Section 6915 – MH District Prohibited Uses:**

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

### **Section 6920 – Permanently Sited Manufactured Housing:**

A permanently sited manufactured home must meet the following criteria

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

### **Section 6920 – Mobile Home Use Exception:**

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

## **SECTION 7000 – PLANNED UNIT DEVELOPMENT DISTRICTS**

### **Section 7001 - Purpose of Planned Unit Development Districts:**

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

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

### **Section 7010 – Applicability:**

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

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

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

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

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

### **Section 7030 – Planned Development District Pre-Application Meeting:**

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

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

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

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

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

- (A) Whether they are consistent with the intent and purpose of this Resolution;

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

**Section 7070 – PUD Development Plan Application Review:**

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

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

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

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

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

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

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

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

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

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

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

- (A) An extension of the time limit for the approved Final Development Plan may be granted by the Millcreek Township Zoning Commission without public hearing provided they find that such extension is not in conflict with the public interest.
- (B) A request for minor changes to the Final Development Plan may be approved by the Township. Requests for minor changes shall initially be made to the Township Zoning Commission, who shall make a recommendation and pass it on to the Trustees. In approving such requests, the Township may impose such conditions, safeguards and restrictions in order to carry out the purpose and intent of this district.
  - (1) An increase in overall ground coverage of structures;
  - (2) An increase in the problems of traffic circulation or public utilities;
  - (3) A reduction of off-street parking and loading space;
  - (4) A reduction in required pavement widths;
- (C) In the case of a request for a modification or amendment to the Final Development Plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of approval as the original application. The following shall be considered substantial departures from the original application:
  - (1) A change in the use or character of the development;
  - (2) An increase in the density or overall number of dwelling units;
  - (3) A reduction in approved open space;
  - (4) A reduction of the acreage in the Planned Unit Development District.

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

## **SECTION 7100 – PUD – OWNERSHIP AND MAINTENANCE OF OPEN SPACE**

### **Section 7101 – Ownership of Open Space:**

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

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

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

- (A) Offer of dedication – The Township shall have the first offer of undivided common open space in the event said land is to be conveyed to a public agency. Dedication shall take the form of a fee simple ownership. The Township may, but is not required to accept undivided common open space provided: 1) such land is accessible to all the residents of the Township; 2) there is no cost of acquisition other than incidental costs related to the transfer of ownership; 3) the Township agrees to maintain such lands. Where the Township accepts dedication of common open space that contains improvements, the Township may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.
- (B) Homeowners Association – The undivided common open space and associated facilities may be held in common ownership by a Homeowners Association. The Association shall be formed and operated under the following minimum standards:
- (1) The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.
  - (2) The Association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.
  - (3) Membership in the Association is mandatory for all purchasers of homes therein and their successors.
  - (4) The Homeowners Association shall be force funded.
  - (5) The developer will operate the Homeowner’s Association until 90 percent of the lots in the development are occupied.
  - (6) The method for turning over the Homeowner’s Association shall be identified.
  - (7) The Association shall be responsible for maintenance of insurance and taxes on the undivided common open space. The Association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.
  - (8) The members of the Association shall share equitably the costs of maintaining and developing, where appropriate, such undivided common open space. Shares shall be defined within the association bylaws.
  - (9) In the event of transfer, within the methods herein permitted, of undivided common open space land by the Homeowners association, or the assumption of maintenance of undivided common open space land by the Township, notice of such pending action shall be given to all property owners within the development.
  - (10) The Association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided common open space.
  - (11) The Homeowners Association may lease common open lands to any other qualified person, or corporation, for operation and maintenance of common open space lands, but such lease agreement shall provide: 1) That the residents of the development shall at all times have access to the common open space lands contained therein (except croplands during the growing season); 2) That the undivided common open space shall be maintained for purposes set forth in the approved final development plan; 3) That the operation of common open space may be for the benefit of the residents only, or may be open to all residents of the Township, at the election of the developer and/or homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the Township, all residents of the Township shall have access to such identified paths/walkways; 4) The lease shall be subject to the approval of the homeowner’s association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease

agreements shall be recorded with the Office of the Union County Recorders and notification shall be provided to the Township Trustees within 30 days of action by the Board.

- (C) Condominium Association – The undivided common open space and associated facilities may be controlled through the use of condominium agreements, approved by the Township. Such agreements shall be in conformance with all applicable laws and regulations. All undivided common open space land shall be held as a common element.
- (D) Dedication of Easements – The Township may, but shall not be required to accept easements for public use of any portion or portions of undivided common open space land, title of which is to remain in ownership by condominium or homeowners associations, provided:
  - (1) Such land is accessible to Township residents;
  - (2) There is no cost of acquisition other than incidental transfer of ownership costs;
  - (3) A satisfactory maintenance agreement is reached between the developer, association and the Township
- (E) Transfer of Easements to a Private Conservation Organization. With the permission of the Township, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources; provided that:
  - (1) The organization is acceptable to the Township, and is a bona fide conservation organization with perpetual existence;
  - (2) The conveyance contains whatever provisions are agreed to between the Township Trustees, the owner and the organization.
- (F) Third party ownership – With the approval of the Township, open space may be owned by a third party if protected by either:
  - 1) An open space easement which permanently and irrevocably transfers the development rights from the open space land to a homeowners or condominium association, the Township or a conservation organization; or
  - 2) Non-modifiable deed restrictions that permanently restrict the use of the open space to those uses identified in the approved development plan.

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

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

- (A) Ownership: The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under the homeowner association bylaws to place liens on the property of residents who fall delinquent in payment of dues or assessments.
- (B) Failure to Maintain: In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the Final Development Plan, the Township Trustees may serve written notice upon such organization or upon the residents of the planned development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing the Township Trustees may modify the terms of the original notice, add to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said (30) days or any extension thereof, the Township Trustees may pursue the enforcement as a zoning violation.

## **SECTION 7200 – PLANNED RESIDENTIAL DISTRICT (PRD)**

### **Section 7201 – Purpose:**

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

- (A) To encourage creativity in residential neighborhood design through a controlled process of review and approval of particular site development plans that preserve open space, protect ravines, woodlands, wetlands and floodplains;
- (B) To encourage development that makes more efficient use of land, and requires shorter networks of streets and utilities;
- (C) To integrate and provide useable and accessible open space and recreation in close proximity to residential dwelling units;
- (D) To use permanent open space as the centerpiece of residential developments.
- (E) To permit appropriate densities in areas that have access to centralized water and sanitary sewer, while protecting natural resources via clustering of houses;
- (F) To provide a variety of housing options.

### **Section 7202 – Density:**

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

### **Section 7203 – Permitted Uses:**

- (A) Within the Planned Residential District (PRD) the following uses, when developed in strict compliance with the approved development plan and standards, may be permitted. The precise use or type of use of the tract shall be specified in the plan as submitted and approved.
- (B) Single family (detached) residential dwellings.
- (C) Attached single family (attached by a common vertical firewall, such as townhouses, or patio homes) residential owner occupied dwellings in groupings of up to two attached units, so long as such attached units do not comprise more than five (5%) of the total number of residential units in the PRD.
- (D) Multi-family dwellings, so long as such Multi-Family units do not comprise more than ten (10%) of the total number of residential units in the PRD.
- (E) Common Open Space-Upon approval of the final development plan by the township, the following open space types may be permitted:
  - (1) Maintained Passive Open Space
  - (2) Recreational Open Space
  - (3) Unmaintained Passive Open Space
- (F) Non-residential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the PRD development, so long as no more than five (5) acres of the total PRD are dedicated to such uses. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to major thoroughfares as to permit access without burdening residential streets.
- (G) Schools with adequate area as approved per plan for indoor and outdoor recreation, parking and additional setbacks as may be necessary to avoid disruption to adjacent residences.

**Section 7204 – Accessory Uses:**

- (A) Temporary structures such as mobile office and temporary buildings of a nonresidential character may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than two (2) times, for a total of eighteen (18) months. Renewal of the permit shall be at the discretion of the Zoning Administrator on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Administrator may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he/she deems necessary. The fees for such permit and the fees for renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed no later than ten (10) days after expiration of said permit.
- (B) Conducting of casual sale of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days. The sale and parking area shall be out of the road right-of-way so as not to interfere with traffic on adjacent thoroughfares.
- (C) Home Occupation as provided in Section 10023.
- (D) Model Homes, defined as residential-type structures used as sales offices by builders/developers and to display the builder's/developer's product. The same may be furnished within, since its purpose is to display to prospective buyers the builder/developer features (such as exterior siding treatment, roofing materials, interior trim, moldings, floor coverings, etc.), in the environment of a completed home. Model homes may be staffed by the builder/developer sales force. Permits for model homes shall be reviewed by the Board of Zoning Appeals in order to ensure compliance with the following restrictions:
  - (1) Lighting: All exterior lighting, except for security lighting, must be down-lighting, so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting, except for security lighting, shall be extinguished at the closing time of the model home.
  - (2) Parking: All model homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) parking spaces.
  - (3) Screening and Trash Receptacles: Landscape drawing shall be required and show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home.
  - (4) Termination of Use: The use of model homes within a residential subdivision, or within any single phase of a multi-phase, contiguous subdivision, shall terminate when building permits have been issued for ninety percent (90%) of the lots or after the expiration of five (5) years, whichever occurs first.
  - (5) Model Home Signs: The Board of Zoning Appeals may approve model home signs provided the following conditions are met:
    - (a) The sign shall not exceed 16 (sixteen) square feet per side with 32 (thirty two) square feet maximum total display area;
    - (b) The overall height of the sign shall be no more than four (4) feet above grade.
    - (c) Model home sign shall be located on the same lot as the model home.
    - (d) If sign information is not presented at the time the development is submitted and approved, the applicant will apply for a conditional use permit to the Board of Zoning Appeals, which will rule on additional sign conditions.

**Section 7205 – Conditional Uses:**

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

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

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

**Section 7206 – Prohibited Uses:**

- (A) Uses not specifically authorized by the express terms of this Article of the zoning resolution shall be prohibited.
- (B) No trailer of any type, no boats, no motor homes nor equipment of any type shall be parked in front of the building line on any parcel within this district for more than forty-eight hours in any seven (7) day period. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- (C) No motor home, mobile home or camper of any type may be occupied by a guest of the resident/owner.
- (D) Except for permanently sited manufactured housing as may be approved in the development plan, no manufactured housing or mobile home shall be placed or occupied in this district.
- (E) Agricultural uses and/or activities are prohibited in subdivisions that meet the requirements of Ohio Revised Code section 519.21.

**Section 7207 – Initial Discussions – Concept Stage:**

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

**Section 7208 – Required Design Standards:**

PRD developments shall incorporate the following design standards:

- (A) Minimum PRD tract size - 20 acres, unless adjacent to another PRD, in which case the Zoning Commission may permit the tract size to be reduced to 10 acres.
- (B) Open Space - Open space shall be distributed throughout the development as part of a unified open space system, which shall serve to unify the development visually and functionally, and buffer surrounding land uses. A minimum of 30% of the gross acreage shall be dedicated open space, with a minimum of 15% of the gross acreage being Recreational Open Space and a minimum of 15% of the gross acreage being Maintained or Unmaintained Passive Open Space. In calculating open space, the areas of fee simple lots conveyed to homeowners shall not be included. In calculating Open Space, environmentally sensitive areas deleted from the Net Developable Area such as wetlands, floodplains, slopes greater than 20% and utility easements may count for up to 50% of the required Open Space.
- (C) Perimeter PRD Setback - 50 feet from property lines.
- (D) Storm Water- Open spaces may be used for the natural disposal of storm water drainage. No features should be designed which are likely to cause erosion or flooding. Retention ponds and constructed wetlands as detention basins are preferred over plain detention basins.
- (E) Subdivision standards - Improvements within the PRD shall conform to the subdivision standards for Union County Ohio.
- (F) Natural area preservation - Wetlands, steep (over 25%) slopes, forests, 100 year floodplains, ravines should be preserved to the greatest extent possible. Foliage should be retained where practicable.
- (G) Floodplains - No residential dwelling structures shall be constructed within the 100-year floodplain of any stream or river and no residential dwelling shall be constructed within 250 feet of a stream bank. All other floodplain standards set forth in Article X, Section 10400-10800 of this Zoning Resolution shall be met.
- (H) Architecture - The project architect shall give due regard to the footprints, building orientation, massing, roof shape, pitch and exterior materials to blend with other traditional or historic architecture in the community or with the site. Four-sided architecture is required.
- (I) Sidewalks - A network of paved sidewalks, walking paths and bicycle paths shall be provided. Where located parallel to the roads, sidewalks shall be separated from the street pavement by at least a five (5) foot landscaped or grassed strip.

Walking paths may be located per plan. The Zoning Commission may require paved walkways to connect residential areas and open spaces.

- (J) Streets – Streets shall meet Union County road standards, regardless of whether roads are private or public.
- (K) Street Trees - Deciduous, broad leaf street trees, if required by the Zoning Commission, shall be placed one for every 50 feet of lineal road frontage.
- (L) Minimum Front Setbacks - Houses, 40 feet from the street right of way, or as approved per plan. Front load garages shall setback at least 50 feet from the street right of way. Notwithstanding the foregoing, front load garages shall not be closer to the street right of way than the main house structure. Variation in front setbacks is encouraged.
- (M) Minimum lot size - 15,000 square feet for single family detached dwellings.
- (N) Minimum Lot Width at the building line – 80 feet for single family detached houses.
- (O) Minimum Side yards - 12 ½ feet each side (25’ between structures), with no encroachments, including chimneys, air conditioning units, etc.
- (P) Driveway Setbacks - Three feet from side lot line. Side-load garages shall provide at least 20 feet of paved apron, exclusive of the 3’ setback.
- (Q) Minimum Rear yard - 30’ for houses. 20’ for detached garages, or as otherwise approved on the PRD development plan.
- (R) Streets - Street layouts should be looped or grid to create an interconnected road network. Dead end streets should be avoided, except where severe topography or other physical condition prevents connection.
- (S) Building Height Limits - No buildings in this district shall exceed thirty-five feet (35’) in height measured from the elevation of the threshold plate at the front door to the highest point of the roof. Notwithstanding the foregoing, chimneys, silos, grain handling conveyors, church spires, domes, flag poles, windmills, antennas, or towers may exceed thirty-five feet in height, however such structures shall not be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract and in no event shall exceed one hundred (100) feet in height.
- (T) Building Dimensions - (Floor space requirements)
  - (1) Each detached single family dwelling hereafter erected in this district shall have a living area not less than one-thousand four hundred (1,400) square feet or one thousand (1,000) square feet of ground floor living area, if the residence is multi-story. All such living areas shall be exclusive of basements, porches or garages.
  - (2) All attached single family or multi family structures constructed within a PRD shall contain the following minimum living area, or as approved per plan:
    - (a) One (1) bedroom unit - 1,000 square feet
    - (b) Two (2) bedroom unit - 1,100 square feet
    - (c) Three (3) bedroom unit - 1,200 square feet
    - (d) Four (4) or more bedroom unit – 1,400 square feet
- (U) Landscaping- All yards, front, side and rear, shall be landscaped, and all organized open spaces or non-residential use areas shall be landscaped and shall meet the landscape standards set forth in Article XIII, unless a variation from these standards is specifically approved as part of the Final Development Plan. A landscape plan showing the caliper, height, numbers, name and placement of all material, prepared by a licensed landscape architect shall be approved as a part of the Final Development Plan.
- (V) Parking- Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan, the provisions of Article XII of this Resolution shall be incorporated unless specific divergence is approved.
- (W) Signs- Except as provided under the provisions of this article for home occupations or as controlled by Article XI (Signs) of this Resolution and except as permitted by the Board of Zoning Appeals incidental to Conditional Uses, no signs shall be permitted in this district except a “For Sale” or “For Rent or Lease” sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet of advertising area on each side. If approved as part of the PRD development plan, the owner or developer of a subdivision or similar area, upon the conditions and for the time period established by the Zoning Commission, may erect one (1) sign not exceeding thirty-two (32) square feet of advertising area per side advertising said subdivision, development or tract for sale. Signs and the surrounding area (including any landscape bed) shall be well-maintained.
- (X) Exterior Lighting- All exterior lighting shall be as specifically approved as part of the final development plan.

- (Y) Common Open Space- A minimum of thirty percent (30%) of the gross acreage within a Planned Residential Development shall be required to be common open space, available to all residents or users of the Planned Development. The common open space shall be subject to the following additional criteria:
- (1) The location, shape, size and character of common open space shall be suitable for the planned development in relation to the location, number and types of buildings it is intended to serve. In any case, it shall be highly accessible to all residents or users of the planned development.
  - (2) The common open space shall be for the use and enjoyment of the owners and occupants of the individual building sites of the development and shall be accessible to all such owners and occupants. Any uses and/or buildings authorized for the common open space must be appropriate to the scale and character of the planned development in relation to its size, density, expected population, topography, and the type of dwellings.
  - (3) The common open space may be suitably improved for its intended use, but common open space containing natural features worthy of preservation shall be left unimproved. The buildings, structures, and improvements that are permitted in the common open space must be appropriate to the uses that are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
  - (4) The proposed common open space may be conveyed to a public authority that will agree to maintain the common open space and any buildings, structures or improvements that have been placed on it. All land dedicated to the public must meet the requirements of the appropriate authority as to size, shape, and location. Public utility or other similar easements and right of way for water courses or other similar channels are not acceptable for common open space dedication unless such land or right of way is usable as a trail or other similar purpose and approved by the authority to which the land is dedicated.
  - (5) The proposed common open space may be conveyed to an owners' association or similar organization formed for the maintenance of the planned development. The common open space must be conveyed by covenants under such an arrangement subject to approval by the Zoning Commission. Such covenants shall restrict the common open space to the uses specified in the Development Plan and provide for the maintenance of common open space in a manner, which assures its continuing use for its intended purpose. Membership in the owners' association shall, by deed restriction, be mandatory for any owner within the planned development.
  - (6) If the proposed common open space is not conveyed to a public authority or to an owners' association it must be deeded in title to a fiduciary which, for a fee, acts as a trustee for the benefit of all owners and occupants of the planned development. The trustee shall give easements across the open space and the right to use the facilities to all owners and occupants of planned development. The trustee shall be provided the right to charge and lien each property of its proportionate share of upkeep costs for the common facilities.
- (Z) Emergency warning sirens shall be installed within the development.
- (AA) Supplemental Conditions and Safeguards - The Millcreek Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed, landscaping, development, improvement and maintenance of common open space, and any other pertinent development characteristics.
- (BB) Divergences - The Township, as a part of either preliminary or final development plan approval, may grant divergences from any standard or requirement in this Article that is noted "as approved per plan." An applicant requesting a divergence shall specifically list each divergence on the preliminary and final development plan submittals and shall provide written justification of such requested divergence.

**Section 7209 – Application Procedure:**

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

- (A) File Preliminary and final development plans separately
- (1) Step one- Apply for a Zoning Map amendment to designate the land as a PRD and submit a Preliminary Development Plan with the application. If the application is approved, then the Zoning Map is amended to PRD. (This is a legislative act and is subject to referendum).
  - (2) Step Two- Once an application for a Zoning Map amendment to PRD has been approved, the applicant submits and seeks approval of a Final Development Plan. Unless simultaneously adopted as part of the Zoning Map change, the subsequent approval or disapproval of the Final Development Plan is an administrative act by the Township (not subject to referendum), but is subject to the review and approval by the Township for appropriateness.

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

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

The Zoning Commission and Trustees may approve an application to rezone property to the Planned Residential Development District provided they find that the proposed use complies with all of the following requirements:

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

**Section 7211 – Effect of PRD Zoning:**

Upon approval of the PRD district, all previous regulations shall no longer be in effect, and the regulations for the PRD shall prevail.

**Section 7212 – Preliminary Development Plan:**

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

- (A) Fifteen (15) copies of the preliminary development plan shall be submitted to the Zoning Commission with the PRD application. The plan shall include in text and map form, the following:
  - (1) The proposed size and location of the PRD district, at a scale of at least 1" = 200', showing topographic contours of at least 5' intervals, existing and proposed structures, structures within 200' of the development tract.
  - (2) Location of environmentally sensitive areas such as the 100 year floodplain, wetlands, slopes greater than 20%, forests and heavily wooded areas. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Union County.
  - (3) Permitted density calculations.
  - (4) The intended general provisions for fire hydrants and surface drainage, to the extent known. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented.
  - (5) Water supply, sanitary sewage disposal feasibility, gas supply and electric supply shall be indicated in writing by the appropriate agency at the time of the preliminary plan.
  - (6) The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights of way, proposed drainage and public utilities.
  - (7) A design of the open space and proposed description of its use and maintenance.
  - (8) Proposed public land dedications.
  - (9) Specific statements of requested divergences from the development standards in this article or other articles in this resolution.
  - (10) A traffic impact analysis by a registered professional engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
  - (11) Required Design Standard items 1-4, 6-7,12-17, and 23 from Section 7208.
  - (12) Emergency service provisions (letter from Fire and Police departments).

- (13) General phasing plans, if any, including density calculations by phase.
  - (14) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
  - (15) Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These are specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township. Materials and colors shall be submitted for approval.
  - (16) A lighting plan identifying location, size and spillage for all street and exterior lighting.
  - (17) An Economic Impact Statement setting forth the financial impact of the proposed PRD on the Township, the school district and Union County.
- (B) Supplemental Conditions and Safeguards: The Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics and may request such additional documentation and/or exhibits as the Township Zoning Commission deems necessary to evaluate the preliminary development plan..
  - (C) Additional Fees: The Board of Trustees may elect to retain the services of outside consultants, such as lawyers, architects, engineers, and planners, to assist in the review of a PRD preliminary development plan. To the extent such consultants are retained, the applicant shall be obligated to reimburse the Township for all such out-of-pocket expenses incurred in the processing of the application and review of the PRD preliminary development plan.
  - (D) Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PRD property, the applicant must submit an affidavit from each property owner within the PRD stating that the applicant may act as the owner's agent to submit the PRD application. Said affidavits shall expire after six (6) months and new affidavits shall be submitted by the applicant at the request of the Township.

**Section 7213 – Final Development Plan:**

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

- (A) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed PRD development.
- (B) The plan shall be to scale of at least 1" =100' and will show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, all required design features, and the following:
  - (1) All design standards from Article IX.
  - (2) The general development character of the tract including the limitations or controls to be placed on all uses, with proposed lot sizes, minimum setback requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities and all commonly owned structures shall be shown in detail which identifies the quantity and type and typical section of each. For example, the landscape plan shall identify each plant, shrub or tree, its name, its size at planting and rendering of how that section of the development would look in elevation.
  - (3) Environmentally sensitive areas such as the 100 year floodplain, wetlands, and slopes greater than 20% shall be mapped. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Union County. To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6%) percent shall be maintained.
  - (4) Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These are specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township. Materials and colors shall be submitted for approval.

- (5) The proposed provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness. Line sizes and locations, detention basins and drainage structures shall be drawn.
- (6) A traffic impact analysis by a registered professional engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
- (7) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- (8) Specific location of schools, parks and other public facility sites, within or adjacent to the site.
- (9) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- (10) If the proposed timetable for development includes developing the land (including open space) in phases, all phases developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.
- (11) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
- (12) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
- (13) A lighting plan identifying location, size and spillage for all street and exterior lighting.
- (14) An Economic Impact Statement setting forth the financial impact of the proposed PRD on the Township, the school district and Union County.
- (15) Specific statements of divergence from the development standards and the justification therefore, unless a variation from these development standards is specifically approved, the same shall be complied with. Since the Final Development Plan is an exact rendition of what is intended to be built, all standards for setback, landscaping parking and lot size are per plan.
- (16) Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- (17) The final development plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio.
- (18) Supplemental Conditions and Safeguards: The Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics may request such additional documentation and/or exhibits as the Township Zoning Commission deems necessary to evaluate the final development plan.
- (19) Additional Fees: The Board of Trustees may elect to retain the services of outside consultants, such as lawyers, architects, engineers, and planners, to assist in the review of a PRD preliminary development plan. To the extent such consultants are retained, the applicant shall be obligated to reimburse the Township for all such out-of-pocket expenses incurred in the processing of the application and review of the final development plan.
- (20) Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PRD property, the applicant must submit an affidavit from each property owner within the PRD stating that the applicant may act as the owner's agent to submit the PRD application.

**Section 7214 – Final Development Plan Approval:**

- (A) Approval Period - The approval of a final development plan shall be effective for a period of three (3) years, or for such other period as approved per plan, in order to allow for the filing and recording of a final subdivision plat, if platting is required by applicable law, and the commencement of construction of improvements on the site. No zoning amendment passed during the established approval period shall affect the terms under which approval of the final development plan was granted. If the required final subdivision has not been approved and recorded, and construction commenced within the established approval period, then the final development plan shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new final development plan has been filed with and approved by the Township, and such application for approval, shall be subject to the same procedures and conditions as

an original application. This new application shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PRD.

- (B) Effect of Final Development Plan Approval - The Final Development Plan as approved by the Township Zoning Commission shall be the subject of a subdivision plat to be approved by Union County if required by the Ohio Revised Code. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development.
- (C) Plat Required - If required by applicable law, no use shall be established or changed, and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Union County, Ohio, and this Resolution. The subdivision plat and plan shall be in accordance with the approved development plan and shall include:
  - (1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
  - (2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.
  - (3) A request for approval of the final subdivision plat for the entire development shall be filed for approval and the approved final plat recorded within three (3) years after the approval of the final development plan or within such other period as approved per plan.
  - (4) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning permit be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.
- (D) Failure to Maintain - If the approved development plan is not adhered to, or the open space is not properly maintained, the Township Zoning Administrator may serve written notice of the deficiencies and demand that corrective action be taken. The Township may pursue noncompliance as a zoning violation as provided in this Resolution.
- (E) Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Administrator, the Zoning Commission or their designated technical advisors for an administrative review to ensure substantial compliance with the development plan as approved, prior to issuance of a zoning permit. The Board of Trustees may establish a fee to be deposited with each administrative review in order to defray the costs associated with such a review.
- (F) Extension of Time/ Modification of Final Development Plan
  - (1) An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or enlarging the approval period for either a preliminary or final development plan may be granted by the Zoning Commission without public hearing provided the Commission finds that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.
  - (2) A request for minor changes to the final development plans may be approved by the Zoning Commission without being subject to the same procedures as the original application.
  - (3) In the case of a request for a modification or amendment to the approved final development plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of preliminary, and final development plan approval as the original application. The following shall be considered substantial departures from the original application.
    - i. A change in the use or character of the development
    - ii. An increase in overall lot coverage of structures and off-street parking
    - iii. An increase in the density
    - iv. An increase in the problems of traffic circulation and public utilities;

- v. A reduction in approved open space;
- vi. A reduction of off street parking and loading space;
- vii. A reduction in required pavement widths;
- viii. A reduction of the acreage in the planned development;
- ix. Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.

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

## **SECTION 7300 – PLANNED COMMERCIAL & OFFICE DISTRICT (PCD)**

### **Section 7301 – Purpose:**

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

### **Section 7302 – Permitted Uses:**

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

#### **(A) Retail Type Uses**

- (1) Retail stores primarily engaged in selling of merchandise for personal or household consumption and rendering services incidental to the sale of goods including: grocery stores, meat and seafood markets, fruit stores and vegetable markets, candy stores, nut and confectionary stores, dairy product stores, retail bakeries, drug stores, florists, eating places, self-service laundromats, laundry and dry-cleaning shops, beauty shops, video tape and disc rental facilities, barber shops, furniture and home furnishings stores, electronics and appliance stores, clothing stores, sporting goods, hobby, book and music stores or any other like retail establishment consistent with the above listed uses.
- (2) Eating and drinking establishments
- (3) Hotel, inn or bed & breakfast
- (4) Garden centers
- (5) Retail lumber and building material yards
- (6) Greenhouse, Nursery and Floriculture Production
- (7) Commercial recreational uses, such as golf courses and driving ranges
- (8) Fitness and Recreational Centers
- (9) Movie Theaters

#### **(B) Office Type Uses**

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

#### **(C) Institutional Type Uses**

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

### **Section 7303 – Conditional Uses:**

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

- (A) Residential multi-family units in areas over or connected to the commercial, office or institutional use. Maximum density is three units per Net Developable Acre. Such residences shall be specifically designed as part of the architecture of the structure in a village setting. All living units constructed within this district shall contain the following minimum living area, to-wit: One (1) bedroom unit- 900 square feet; Two (2) bedroom unit- 1,000 square feet; Three (3) or more bedroom units – 1,100 square feet. For purposes of this Zoning Resolution, “Net Developable Area” means deducting from the gross acreage: i) 15% of the gross acreage for streets and utilities; ii) Jurisdictional wetlands as defined in US Army Corps of Engineers’ Corps of Engineers Wetlands Delineation Manual; iii) Floodplains within a FEMA 100-year floodplain; iv) Slopes greater than 20%, including ravines; v) Utility rights of way and easements for above-ground and currently existing utility structures, such as above ground pipelines and existing overhead electric transmission (not local service) wires; and vi) Existing bodies of water.
- (B) Drive-in or drive-through facilities for restaurants, financial institutions and other similar type businesses.
- (C) Gas stations.
- (D) Car washes provided that surface water from such establishments shall not drain onto adjacent property and that adequate on-site storage lanes and parking facilities shall be provided so that no public way shall be used for such purposes.
- (E) Automobile service stations, automobile repair shops and automobile painting shops.
- (F) Car and Machinery Rental
- (G) Automobile Sales
- (H) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than one time. Renewal of the permit shall be at the discretion of the Zoning Administrator on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Administrator may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed no later than ten (10) days after expiration of said permit.

**Section 7304 – Prohibited Uses:**

- (A) Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited.
- (B) Except as provided in the plan of development no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed, or the development plan.
- (C) Except as specifically permitted in the approved development plan, no manufactured home, mobile home or mobile office structure shall be placed or occupied in this district.
- (D) Promoters of Performing Arts, Sports, and Similar Events with outdoor open air facilities with seating for more than one hundred persons; Car, Dog or Horse Racing Tracks; ATV, Motorcycle or Motocross Tracks; Casinos.
- (E) Adult Entertainment Facilities as defined in Article XV.

**Section 7305 – Initial Discussions:**

The applicant is encouraged to engage in informal consultations with the Millcreek Township Zoning Commission prior to formal submission of a development plan and application to amend the zoning map to PCD. No statement by officials of the Township shall be binding at the concept stage. In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this PCD district shall follow the procedures herein. Such informal consultations and/or walkabouts shall occur only during properly advertised public meetings.

**Section 7306 – Required PCD Design Standards:**

The development plan shall incorporate the following standards:

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

- (U) Exterior Lighting- All exterior lighting shall be as specifically approved as part of the final development plan. Fixtures shall be cut-off fixtures and all lighting shall be down lighting. Poles shall not exceed 16 feet in height.
- (V) Building Size Limits – No structure used for Retail Type Uses shall contain more than 35,000 gross square feet of floor area under one roof. No structure used for office or institutional type uses shall contain more than 65,000 square feet of floor area under one roof.
- (W) Supplemental Conditions and safeguards- The Zoning Commission and/or Board of Trustees may impose additional conditions relating to the development with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.

**Section 7307 – Required Findings for PCD Approval:**

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

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

**Section 7308 – Process for Amendment:**

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

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

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

**Section 7309 – Effect of PCD Zoning:**

Upon approval of an application for a zoning amendment to rezone property to the PCD district, all previous regulations shall no longer be in effect, and the regulations set forth in this Article for the PCD designation, as approved, shall prevail.

**Section 7310 – Preliminary Development Plan:**

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

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

- (1) The proposed size and location of the PCD district, at a scale of at least 1" = 200', showing topographic contours of at least 5' intervals, existing and proposed structures, structures within 200' of the development tract.
  - (2) Location of environmentally sensitive areas such as the 100 year floodplain, wetlands, slopes greater than 20%, forests and heavily wooded areas. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Union County.
  - (3) Permitted density calculations.
  - (4) The intended general provisions for fire hydrants and surface drainage, to the extent known. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented.
  - (5) Water supply, sanitary sewage disposal feasibility, gas supply and electric supply shall be indicated in writing by the appropriate agency at the time of the preliminary plan.
  - (6) The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights of way, proposed drainage and public utilities.
  - (7) A design of the open space and proposed description of its use and maintenance.
  - (8) Proposed public land dedications.
  - (9) Specific statements of requested divergences from the development standards in this article or other articles in this resolution.
  - (10) A traffic impact analysis by a registered professional engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
  - (11) Required Design Standard items 1-4, 6-7,12-17, and 23 from Section 7208.
  - (12) Emergency service provisions (letter from Fire and Police departments).
  - (13) General phasing plans, if any, including density calculations by phase.
  - (14) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
  - (15) Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These are specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township. Materials and colors shall be submitted for approval.
  - (16) A lighting plan identifying location, size and spillage for all street and exterior lighting.
  - (17) An Economic Impact Statement setting forth the financial impact of the proposed PCD on the Township, the school district and Union County.
- (B) Supplemental Conditions and Safeguards: The Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics and may request such additional documentation and/or exhibits as the Township Zoning Commission deems necessary to evaluate the preliminary development plan..
- (C) Additional Fees: The Board of Trustees may elect to retain the services of outside consultants, such as lawyers, architects, engineers, and planners, to assist in the review of a PCD preliminary development plan. To the extent such consultants are retained, the applicant shall be obligated to reimburse the Township for all such out-of-pocket expenses incurred in the processing of the application and review of the PCD preliminary development plan.
- (D) Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PCD property, the applicant must submit an affidavit from each property owner within the PCD stating that the applicant may act as the owner's agent to submit the PCD application. Said affidavits shall expire after six (6) months and new affidavits shall be submitted by the applicant at the request of the Township.

**Section 7311 – Final Development Plan:**

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

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

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

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

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

- (19) Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- (20) The final development plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio.
- (21) The manner and method to be utilized in order to achieve and maintain compliance with the general criteria for the PCD district.
- (22) The manner in which the applicant will mitigate any nuisance effects of the proposed uses such as, but not limited to:
  - (a) Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
  - (b) Air Pollution: No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
  - (c) Glare, Heat and Exterior Lighting: Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
  - (d) Dust and Erosion: Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
  - (e) Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
  - (f) Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises.
  - (g) Odors: No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be met.
- (C) Supplemental Conditions and Safeguards: The Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics and may request such additional documentation and/or exhibits as the Township Zoning Commission deems necessary to evaluate the final development plan.
- (D) Additional Fees: The Board of Trustees may elect to retain the services of outside consultants, such as lawyers, architects, engineers, and planners, to assist in the review of a PCD preliminary development plan. To the extent such consultants are retained, the applicant shall be obligated to reimburse the Township for all such out-of-pocket expenses incurred in the processing of the application and review of the final development plan.
- (E) Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PCD property, the applicant must submit an affidavit from each property owner within the PCD stating that the applicant may act as the owner's agent to submit the PCD application.

**Section 7312 – Final Development Plan Approval:**

- (A) Approval Period- The approval of a final development plan shall be effective for a period of three (3) years, or for such other period as approved per plan, in order to allow for the filing and recording of a final subdivision plat, if platting is required by applicable law, and the commencement of construction of improvements on the site. No zoning amendment passed during the established approval period shall affect the terms under which approval of the final development was granted. If the required final subdivision has not been approved and recorded, and construction commenced within the established approval period, then the final development plan shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building,

structure or improvement shall be constructed until a new final development has been filed with and approved by the Township, and such application for approval, shall be subject to the same procedures and conditions as an original application. This new application shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PCD.

- (B) Phasing- Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan.
- (C) Failure to Maintain- If the approved development plan is not adhered to, or the open space is not properly maintained, the Township Zoning Administrator may serve written notice of the deficiencies and demand that corrective action be taken. The Township may pursue noncompliance as a zoning violation as provided in this Resolution.
- (D) Plat Required- If a plat is required by applicable law, no use shall be established or changed, and no building, structure, or improvement shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Union County, Ohio, and this Resolution. The subdivision plat and plan shall be in accordance with the approved development plan and shall include:
  - (1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
  - (2) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.
  - (3) A request for approval of the final subdivision plat for the entire development shall be filed for approval and the approved final plat recorded within three (3) years after the approval of the final development plan or within such other period as approved per plan.
  - (4) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land and the improvements thereon and the ownership and maintenance of all Common Open Space.
- (E) Extension of Time/ Modification of Final Development Plan:
  - (1) An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or enlarging the approval period for either a preliminary or final development plan may be granted by the Zoning Commission without public hearing provided the Commission finds that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.
  - (2) A request for minor changes to the final development plan may be approved by the Zoning Commission without being subject to the same procedures as the original application.
  - (3) In the case of a request for a modification or amendment to the approved final development plan that represents a substantial departure from the intent of the original proposal, as determined by the Zoning Commission, said modification or amendment shall be subject to the same procedure and conditions of preliminary and final development plan approval as the original application. The following shall be considered substantial departures from the original application:
    - (a) A change in the use or character of the development;
    - (b) An increase in overall lot coverage of structures and off-street parking;
    - (c) An increase in the density;
    - (d) An increase in the problems of traffic circulation and public utilities;
    - (e) A reduction in approved open space;
    - (f) A reduction of off street parking and loading space;
    - (g) A reduction in required pavement widths;

- (h) A reduction of the acreage in the planned development;
  - (i) Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.
- (F) Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Administrator, the Zoning Commission or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved.
- (G) Divergences - The Township, as a part of either preliminary or final development plan approval, may grant divergences from any standard or requirement in this Article. An applicant requesting a divergence shall specifically list each requested divergence on the preliminary and final development plan submittals.

## **SECTION 7400 – PLANNED INDUSTRIAL DISTRICT (PID)**

### **Section 7401 – Purpose:**

The Planned Industrial District (PID) is a Planned United Development District adopted pursuant to Ohio Revised Code 519.021(A).

### **Section 7402 – Permitted Uses:**

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

- (A) Wholesale businesses when all products are stored within the building.
- (B) Business offices.
- (C) Research laboratories.
- (D) Research assembly services.
- (E) Research testing facilities.
- (F) Light manufacturing and assembly.

The precise use(s) or type of use(s) of the tract shall be specified in the plan as submitted and approved.

### **Section 7403 – Conditional Uses:**

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

- (A) Manufacturing activities when all operations and materials are within a building.
- (B) Service or repair activities when all operations and materials are within a building.
- (C) Recycling facilities when all materials and operations are within a building.
- (D) Uses identified in the General Business District (B-2).
- (E) Adult entertainment facilities per the requirements of Article XV.

### **Section 7404 – Prohibited Uses:**

- (A) Uses not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.
- (B) Except as provided in the plan of development no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed, or the development plan.
- (C) Except as specifically permitted in the approved development plan, no manufactured home, mobile home or mobile office structure shall be placed or occupied in this district.
- (D) Promoters of Performing Arts, Sports, and Similar Events with outdoor open air facilities with seating for more than one hundred persons; Car, Dog or Horse Racing Tracks; ATV, Motorcycle or Motocross Tracks; Casinos.
- (E) Residential uses of any kind, except for a caretaker for a permitted use.

### **Section 7405 – Initial Discussions:**

The applicant is encouraged to engage in informal consultations with the Millcreek Township Zoning Commission prior to formal submission of a development plan and application to amend the zoning map to PID. No statement by officials of the Township shall be binding at the concept stage. In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this PID district shall follow the procedures herein. Such informal consultations and/or walkabouts shall occur only during properly advertised public meetings.

### **Section 7406 – Required PID Design Standards:**

The development plan shall incorporate the following standards:

- (A) Access- Requires frontage on and direct access to, one or more dedicated and improved public roads. Provision for future connections to other public roads as required by the Township, the County Engineer and/or the Regional Planning Commission.

- (B) Minimum tract size- 10 acres, or as approved per plan.
- (C) Maximum impervious surfaces- ground coverage by buildings and paved parking areas (total impervious surfaces): 50% of net developable area.
- (D) Floodplain – No structures shall be constructed within the 100-year floodplain of any stream or river.
- (E) Open Space - A minimum of 10% of the gross acreage shall be Open Space, which shall be distributed throughout the development as part of a unified open space system. The Open Space shall serve to unify the development visually and functionally, and buffer surrounding land uses. Open spaces may be used for the natural disposal of storm water drainage. No features should be designed which are likely to cause erosion or flooding. Open space may be Maintained Passive Open Space, Recreational Open Space or Unmaintained Passive Open Space as defined in this Zoning Resolution.
- (F) Minimum Lot Width - at the building line as approved per plan.
- (G) Minimum Side Yards- shall equal one-third (1/3) the sum of the height and depth of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District, or as approved per plan.
- (H) Minimum Rear yard- shall equal one-third (1/3) the sum of the height and width of the structure, but in no case shall be less than one hundred (100) feet from any Residential Zoning District or Planned Residential District, or as approved per plan.
- (I) Perimeter Area- No building or parking shall be constructed within 100 feet of the perimeter property line of the overall tract, or as approved per plan.
- (J) Walkways and street trees-. A network of paved sidewalks, walking paths and bicycle paths shall be provided. Where located parallel to the roads, sidewalks shall be separated from the street pavement by at least a 5 feet landscaped or grassed strip. Walking paths may be located per plan. The Zoning Commission may require paved walkways to connect residential areas and open spaces. Street trees shall conform to the Landscaping standards set forth in this Zoning Resolution.
- (K) Buffering- Natural foliage shall be retained where practicable. Where adequate foliage does not exist, the Township may require establishment of such tree cover or other foliage as may be necessary to achieve the purpose of the open space and the buffer of adjacent uses.
- (L) Preservation areas- Wetlands, steep (over 20%) slopes, forests, 100 year floodplains, ravines and noted wildlife habitat shall be preserved to the greatest extent possible.
- (M) Utilities- Centralized water supply and sanitary sewage disposal systems shall be provided, subject to County Sanitary Engineer, Board of Health and Ohio Environmental Protection Agency approval. Feasibility of water supply and wastewater disposal systems shall be indicated by the appropriate agencies at the time of the preliminary plan.
- (N) Building design- The project architect shall give due regard to the footprints, building orientation, massing, roof shape, pitch and exterior materials to blend with other traditional or historic architecture in the community or with the site. The project architect shall follow the Township Comprehensive Plan with regard to building design and materials. All rooftop mechanicals shall be screened from view.
- (O) Building Height Limits- Building Height shall be limited to 40 feet.
- (P) Landscaping- All yards, front, side and rear, shall be landscaped, and all organized open spaces or non-residential use areas shall be landscaped and shall meet the Landscaping requirements of this Zoning Resolution, unless a variation from these standards is specifically approved as part of the final development plan. A landscape plan showing the caliper, height, numbers, name and placement of all material, prepared by a licensed landscape architect shall be approved as a part of the final development plan.
- (Q) Parking- Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan, the parking provisions of this Resolution shall be incorporated, or a divergence requested.
- (R) Signs- Signs shall conform to provisions of this resolution, or request a divergence and be as approved per plan.
- (S) Exterior Lighting- All exterior lighting shall be as specifically approved as part of the final development plan. Fixtures shall be cut-off fixtures and all lighting shall be down lighting. Poles shall not exceed 16 feet in height.
- (T) Building Size Limits – No structure shall contain more than 50,000 square feet of floor area under one roof.
- (U) Supplemental Conditions and safeguards- The Zoning Commission and/or Board of Trustees may impose additional conditions relating to the development with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.

**Section 7407 – Required Findings for PID Approval:**

The Zoning Commission and Trustees may approve an application requesting that property be included in the PID zoning district, provided they find that the proposed use complies with all of the following requirements:

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

**Section 7408 – Process for Amendment:**

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

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

In addition to the procedures set forth in this Zoning Resolution, all applications for amendment to rezone property to the PID district shall comply with the procedures outlined in Ohio Revised Code Section 519.12. Following the filing of an application for a PID, the Zoning Commission may schedule a walkabout on the site with the applicant to familiarize all parties with the lay of the land, and the general design intent of the applicant. Such informal consultations and/or walkabouts shall occur only during properly advertised public meetings.

**Section 7409 – Effect of Property Owner Initiated PID Zoning Amendment:**

Upon approval of an application for a zoning amendment to rezone property to the PID district, all previous regulations shall no longer be in effect, and the regulations set forth in this Article for the PID designation, as approved, shall prevail.

**Section 7410 – Preliminary Development Plan:**

Upon application for a PID District, the owner(s) or lessees of lots or land within the Township shall simultaneously submit a preliminary development plan. The preliminary development plan shall show the intended layout of the site.

- (A) Fifteen (15) copies of the preliminary development plan shall be submitted to the Zoning Commission with the PID application. The plan shall include in text and map form, the following:
  - (1) The proposed size and location of the PID district, at a scale of at least 1" = 200', showing topographic contours of at least 5' intervals, existing and proposed structures, structures within 200' of the development tract.
  - (2) Location of environmentally sensitive areas such as the 100 year floodplain, wetlands, slopes greater than 20%, forests and heavily wooded areas. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Union County.

- (3) Permitted density calculations.
  - (4) The intended general provisions for fire hydrants and surface drainage, to the extent known. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented.
  - (5) Water supply, sanitary sewage disposal feasibility, gas supply and electric supply shall be indicated in writing by the appropriate agency at the time of the preliminary plan.
  - (6) The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights of way, proposed drainage and public utilities.
  - (7) A design of the open space and proposed description of its use and maintenance.
  - (8) Proposed public land dedications.
  - (9) Specific statements of requested divergences from the development standards in this article or other articles in this resolution.
  - (10) A traffic impact analysis by a registered professional engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
  - (11) Required Design Standard items 1-4, 6-7,12-17, and 23 from Section 7208.
  - (12) Emergency service provisions (letter from Fire and Police departments).
  - (13) General phasing plans, if any, including density calculations by phase.
  - (14) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
  - (15) Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These are specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township. Materials and colors shall be submitted for approval.
  - (16) A lighting plan identifying location, size and spillage for all street and exterior lighting.
  - (17) An Economic Impact Statement setting forth the financial impact of the proposed PID on the Township, the school district and Union County.
- (B) Supplemental Conditions and Safeguards: The Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics and may request such additional documentation and/or exhibits as the Township Zoning Commission deems necessary to evaluate the preliminary development plan..
- (C) Additional Fees: The Board of Trustees may elect to retain the services of outside consultants, such as lawyers, architects, engineers, and planners, to assist in the review of a PID preliminary development plan. To the extent such consultants are retained, the applicant shall be obligated to reimburse the Township for all such out-of-pocket expenses incurred in the processing of the application and review of the PID preliminary development plan.
- (D) Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PID property, the applicant must submit an affidavit from each property owner within the PID stating that the applicant may act as the owner's agent to submit the PID application. Said affidavits shall expire after six (6) months and new affidavits shall be submitted by the applicant at the request of the Township.

**Section 7411 – Final Development Plan:**

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

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

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

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

- (A) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed PID District.

- (B) The plan will be to scale of at least 1" =100' and will show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, all required design features, and the following:
- (1) The general development character and the permitted and accessory uses to be located on the tract including the limitations or controls to be placed on all uses, with proposed lot sizes, and minimum setback requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities, common open space areas, and all commonly owned structures shall be shown in detail which identifies the quantity and type and typical section of each. For example, the landscape plan shall identify each plant, shrub or tree, its name, its size at planting and rendering of how that section of the development would look in elevation.
  - (2) Environmentally sensitive areas such as the 100 year floodplain, wetlands, and slopes greater than 20% shall be mapped. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Union County. To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6%) percent shall be maintained.
  - (3) Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These shall also include specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township Zoning Commission. Materials and colors shall be submitted for approval.
  - (4) Building heights and dimensions.
  - (5) Off-street parking.
  - (6) Signs.
  - (7) The proposed approved provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness. Pipe sizes and locations, detention basins and drainage structures shall be drawn.
  - (8) A traffic impact analysis by a registered professional engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
  - (9) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
  - (10) Location of all uses within the site and the location of schools, parks and other public facility sites within or adjacent to the site.
  - (11) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
  - (12) Specific location of schools, parks and other public facility sites, within or adjacent to the site.
  - (13) All design standards from Article IX.
  - (14) If the proposed timetable for development includes developing the land (including open space) in phases, all phases developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
  - (15) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
  - (16) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
  - (17) A lighting plan identifying location, size and spillage for all street and exterior lighting. All exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any adjoining property.
  - (18) An Economic Impact Statement setting forth the financial impact of the proposed PRD on the Township, the school district and Union County.
  - (19) Specific statements of divergence from the development standards in of this resolution and the justification therefore. Unless a variation from these development standards is specifically approved, the same shall be complied with. Since the Final Development Plan is an exact rendition of what is intended to be built all standards for landscaping, parking and setbacks are per plan.
  - (20) Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
  - (21) The final development plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio.

- (22) The manner and method to be utilized in order to achieve and maintain compliance with the general criteria for the PID district.
- (23) The manner in which the applicant will mitigate any nuisance effects of the proposed uses such as, but not limited to:
- (a) Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
  - (b) Air Pollution: No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
  - (c) Glare, Heat and Exterior Lighting: Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
  - (d) Dust and Erosion: Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
  - (e) Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
  - (f) Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises.
  - (g) Odors: No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be met.
- (C) Supplemental Conditions and Safeguards: The Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics and may request such additional documentation and/or exhibits as the Township Zoning Commission deems necessary to evaluate the final development plan.
- (D) Additional Fees: The Board of Trustees may elect to retain the services of outside consultants, such as lawyers, architects, engineers, and planners, to assist in the review of a PID preliminary development plan. To the extent such consultants are retained, the applicant shall be obligated to reimburse the Township for all such out-of-pocket expenses incurred in the processing of the application and review of the final development plan.
- (E) Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PID property, the applicant must submit an affidavit from each property owner within the PID stating that the applicant may act as the owner's agent to submit the PID application.

**Section 7412 – Final Development Plan Approval:**

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

- (B) Phasing- Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development.
- (C) Failure to Maintain- If the approved development plan is not adhered to, or the open space is not properly maintained, the Township Zoning Administrator may serve written notice of the deficiencies and demand that corrective action be taken. The Township may pursue noncompliance as a zoning violation as provided in this Resolution.
- (D) Plat Required- If a plat is required by applicable law, no use shall be established or changed, and no building, structure, or improvement shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Union County, Ohio, and this Resolution. The subdivision plat and plan shall be in accordance with the approved development plan and shall include:
- (1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
  - (2) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.
  - (3) A request for approval of the final subdivision plat for the entire development shall be filed for approval and the approved final plat recorded within three (3) years after the approval of the final development plan or within such other period as approved per plan.
  - (4) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land and the improvements thereon and the ownership and maintenance of all Common Open Space.
- (E) Extension of Time/ Modification of Final Development Plan:
- (1) An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or enlarging the approval period for either a preliminary or final development plan may be granted by the Zoning Commission without public hearing provided the Commission finds that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.
  - (2) A request for minor changes to the final development plan may be approved by the Zoning Commission without being subject to the same procedures as the original application.
  - (3) In the case of a request for a modification or amendment to the approved final development plan that represents a substantial departure from the intent of the original proposal, as determined by the Zoning Commission, said modification or amendment shall be subject to the same procedure and conditions of preliminary and final development plan approval as the original application. The following shall be considered substantial departures from the original application:
    - (a) A change in the use or character of the development;
    - (b) An increase in overall lot coverage of structures and off-street parking;
    - (c) An increase in the density;
    - (d) An increase in the problems of traffic circulation and public utilities;
    - (e) A reduction in approved open space;
    - (f) A reduction of off street parking and loading space;
    - (g) A reduction in required pavement widths;
    - (h) A reduction of the acreage in the planned development;
    - (i) Any other departure from the approved development plan which is deemed substantial by the Zoning Commission.

- (F) Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Administrator, the Zoning Commission or their designated technical advisors for administrative review to ensure substantial compliance with the development plan as approved.
- (G) Divergences- The Township, as a part of either preliminary or final development plan approval, may grant divergences from any standard or requirement in this Article. An applicant requesting a divergence shall specifically list each requested divergence on the preliminary and final development plan submittals.

## **SECTION 7500 PLANNED TOWN CENTER DISTRICT (PTCD)**

### **Section 7501 – Purpose:**

To promote the Planned Town Center District as the nostalgic heart of the community and as a great urban neighborhood – a compact, pedestrian-oriented district with a diverse mix of residential, commercial and civic uses where people live, work, shop and play. The Planned Town Center District (PTCD) is a Planned Unit Development District adopted pursuant to Ohio Revised Code 519.021(A).

### **Section 7502 – Objectives:**

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

### **Section 7503 – Permitted Uses:**

- (A) All uses listed as Permitted Uses in the Planned Commercial, Office and Institutional District (PCD) shall be permitted uses in the Planned Town Center District (PTCD) when developed in strict compliance with an approved development plan.
- (B) Residential multi-family unit buildings shall be permitted in the PTCD. Maximum density for any one parcel or lot shall be twelve (12) units to the acre, but the maximum density for the Planned Town Center District shall not exceed three units per Net Developable Acre.

### **Section 7504 – Conditional Uses:**

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

### **Section 7505 – Prohibited Uses:**

All uses listed as Prohibited Uses in the Planned Commercial, Office and Institutional District (PCD) shall be prohibited uses in the Planned Town Center District (PTCD), except those otherwise listed as permitted in Section 7503.

### **Section 7506 – Required PTCD Design Features:**

- (A) Minimum Tract Size - 100 Acres or as approved per plan
- (B) Building Types – The following types of buildings are the only building types permitted in the PTCD unless otherwise approved per plan.
  - (1) Single-story commercial buildings or multi-story mixed-use buildings with commercial uses on the ground floor and office or residential uses on the upper floors. Building entrances shall be at sidewalk grade.
  - (2) Townhouse residential buildings. Building entrances shall be elevated above sidewalk grade such that the first story is elevated sufficiently from the sidewalk to secure privacy for the windows. The rear grade may match the height of the floor of the first level to allow for handicap access. Front entrances shall be shared by no more than two (2) residences.
  - (3) Forecourt multifamily residential building. The presence of a courtyard or garden green space at street edge breaks up the building mass. Such a green space may continue through the lot, creating two separate structures, or partially to create a courtyard enclosed on three sides by a single structure.
  - (4) Civic / Institutional Buildings and Facilities. Steeples, bell towers and similar architectural features are exempt from height regulations.
- (C) Setbacks
  - (1) The minimum front yard building setback is zero (0) feet and the maximum front yard building setback is ten (10) feet from the edge of the sidewalk. Areas between the edge of sidewalk and the building shall be landscaped. No

- interior side setbacks are required except where the PTC D abuts a U-1, R-1 or PRD district, in which case the minimum side yard setback for that district shall apply.
- (2) Parking lots and accessory buildings shall be located behind the principal building. Where access behind the property is not possible from an alley or street, up to fifty (50) percent of the parking may be located at the side of the principal building. If parking is located at the side of the principal building, minimum front yard setback for pavement shall be five (5) feet.
- (D) Utilities - Centralized water supply and sanitary sewage disposal systems shall be provided, subject to County Sanitary Engineer, Board of Health and Ohio Environmental Protection Agency approval. Feasibility of water supply and wastewater disposal systems shall be indicated by the appropriate agencies at the time of the preliminary plan.
  - (E) Building Design
    - (1) A minimum of sixty percent (60%) and a maximum of eighty five percent (85%) of the front façade between two (2) feet and ten (10) feet above sidewalk grade for buildings with commercial uses on the first floor must be comprised of clear windows that allow view of indoor commercial space.
    - (2) A continuous primary façade that exceeds a width of fifty (50) feet shall include vertical elements to break the plane of the building frontage spaced at regular intervals.
    - (3) All roof-mounted mechanical equipment shall be screened from public view to the height of the equipment. The design, colors and materials used in screening shall be architecturally compatible with the rooftop and the aesthetic character of the building.
  - (F) Building Height Limits - Building Height shall be limited to 50 feet.
  - (G) Streetscape - A five foot wide sidewalk shall be required in front of each building with a five foot landscaped or grassed strip separating the sidewalk from the street pavement. Street trees shall be planted at regular intervals in accordance with the Landscape standards set forth in this Zoning Resolution
  - (H) Open Space - A minimum of thirty percent (30%) of the gross acreage of the PTC D shall be open space of which ten percent (10%) must be Recreational Open Space.
  - (I) Building Size Limits - No structure in the PTC D shall contain more than 35,000 gross square feet of floor area under one roof.
  - (J) Parking
    - (1) One and a half off-street parking spaces must be provided for each dwelling unit.
    - (2) No off-street parking is required for non-residential uses unless the gross floor area of such use exceeds 5,000 square feet, in which case off-street parking must be provided at a minimum of one space per each 1,000 square feet of gross floor area in excess of 5,000 square feet and a maximum of two spaces per each 1,000 square feet of gross floor area in excess of 5,000 square feet.
    - (3) One (1) bicycle parking space must be provided for every forty (40) automobile spaces, with a minimum of six bicycle spaces, in conjunction with any parking facility with more than fifty (50) automobile spaces.
  - (K) Exterior Lighting - All exterior lighting shall be as specifically approved as part of the final development plan. Fixtures shall be cut-off fixtures and all lighting shall be down lighting. Poles shall not exceed 16 feet in height.
  - (L) Supplemental Conditions and safeguards - The Zoning Commission and/or Board of Trustees may impose additional conditions relating to the development with regard to the type and extent of the public improvements to be installed; landscaping; improvements and maintenance of open space areas; and other development characteristics.

**Section 7507 – Minimum Requirements for Approval:**

The Zoning Commission and Trustees may approve an application requesting that property be included in the PTC D zoning district, provided they find that the proposed use complies with all of the following requirements:

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

- (F) That the proposed development will be compatible in appearance with surrounding land uses.
- (G) That the development promotes greater efficiency in providing public utility services and encouraging innovation in the planning and building of all types of development.

**Section 7508 – Process for Amendment:**

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

- (A) The applicant, being the owner or lessee of the subject real estate, may apply for a zoning map amendment to designate the land as a PTCD. A preliminary development plan must be submitted with the application. If the application for the zoning amendment is approved, then the zoning map is amended to PTCD. (This is a legislative act and is subject to referendum). A final development plan shall be subsequently submitted to the Zoning Commission for review and approval (this is an administrative act and not subject to referendum.)
- (B) The applicant, being an owner or lessee of the subject real estate, may apply for a zoning map amendment to designate the land as a PTCD and simultaneously submit, along with the application for the zoning amendment, a final development plan acceptable to the Township and in accordance with the final development plan standards set forth herein. (This is a legislative act and is subject to referendum).

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

Upon approval of an application for a zoning amendment to rezone property to the PTCD district, all previous regulations shall no longer be in effect, and the regulations set forth in this Article for the PTCD designation, as approved, shall prevail.

**Section 7509 – Preliminary Development Plan:**

Upon application for a PTCD District, the owner(s) or lessees of lots or land within the Township shall simultaneously submit a preliminary development plan. The preliminary development plan shall show the intended layout of the site.

- (A) Fifteen (15) copies of the preliminary development plan shall be submitted to the Zoning Commission with the PTCD application. The plan shall include in text and map form, the following:
  - (1) The proposed size and location of the PTCD district, at a scale of at least 1" = 200', showing topographic contours of at least 5' intervals, existing and proposed structures, structures within 200' of the development tract.
  - (2) Location of environmentally sensitive areas such as the 100 year floodplain, wetlands, slopes greater than 20%, forests and heavily wooded areas. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Union County.
  - (3) Permitted density calculations.
  - (4) The intended general provisions for fire hydrants and surface drainage, to the extent known. Information regarding existing pipe sizes, capacities, committed flows, and potential needed upgrades must be documented.
  - (5) Water supply, sanitary sewage disposal feasibility, gas supply and electric supply shall be indicated in writing by the appropriate agency at the time of the preliminary plan.
  - (6) The relationship of the proposed development to existing and probable uses of surrounding areas, including easements, rights of way, proposed drainage and public utilities.
  - (7) A design of the open space and proposed description of its use and maintenance.
  - (8) Proposed public land dedications.
  - (9) Specific statements of requested divergences from the development standards in this article or other articles in this resolution.
  - (10) A traffic impact analysis by a registered professional engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
  - (11) Required Design Standard items 1-4, 6-7,12-17, and 23 from Section 7208.
  - (12) Emergency service provisions (letter from Fire and Police departments).
  - (13) General phasing plans, if any, including density calculations by phase.

- (14) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
  - (15) Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These are specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township. Materials and colors shall be submitted for approval.
  - (16) A lighting plan identifying location, size and spillage for all street and exterior lighting.
  - (17) An Economic Impact Statement setting forth the financial impact of the proposed PTCD on the Township, the school district and Union County.
- (B) Supplemental Conditions and Safeguards: The Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics and may request such additional documentation and/or exhibits as the Township Zoning Commission deems necessary to evaluate the preliminary development plan..
- (C) Additional Fees: The Board of Trustees may elect to retain the services of outside consultants, such as lawyers, architects, engineers, and planners, to assist in the review of a PTCD preliminary development plan. To the extent such consultants are retained, the applicant shall be obligated to reimburse the Township for all such out-of-pocket expenses incurred in the processing of the application and review of the PTCD preliminary development plan.
- (D) Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PTCD property, the applicant must submit an affidavit from each property owner within the PTCD stating that the applicant may act as the owner's agent to submit the PTCD application. Said affidavits shall expire after six (6) months and new affidavits shall be submitted by the applicant at the request of the Township.

**Section 7510 – Final Development Plan:**

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

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

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

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

- (A) A survey plat and legal description signed by a registered Ohio surveyor showing the size and location of the proposed PTCD District.
- (B) The plan will be to scale of at least 1" =100' and will show the proposed uses of the site, location of buildings and structures, streets and roadways, and parking areas, all required design features, and the following:
  - (1) The general development character and the permitted and accessory uses to be located on the tract including the limitations or controls to be placed on all uses, with proposed lot sizes, and minimum setback requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities, common open space areas, and all commonly owned structures shall be shown in detail which identifies the quantity and type and typical section of each. For example, the landscape plan shall identify each plant, shrub or tree, its name, its size at planting and rendering of how that section of the development would look in elevation.
  - (2) Environmentally sensitive areas such as the 100 year floodplain, wetlands, and slopes greater than 20% shall be mapped. No structure (other than approved drainage structures) shall be constructed within the limits of the 100-year floodplain as mapped by FEMA on the Flood Insurance Rate Maps for Union County. To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6%) percent shall be maintained.
  - (3) Architectural design criteria including materials, colors and renderings for all structures and criteria for proposed signs, with proposed control procedures. These shall also include specific renderings of the elevations of structures. Any modification of these structures shall require re-approval of the development plan by the Township Zoning Commission. Materials and colors shall be submitted for approval.
  - (4) Building heights and dimensions.

- (5) Off-street parking.
- (6) Signs.
- (7) The proposed approved provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness. Pipe sizes and locations, detention basins and drainage structures shall be drawn.
- (8) A traffic impact analysis by a registered professional engineer, showing the proposed traffic patterns, public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.
- (9) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- (10) Location of all uses within the site and the location of schools, parks and other public facility sites within or adjacent to the site.
- (11) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- (12) Specific location of schools, parks and other public facility sites, within or adjacent to the site.
- (13) All design standards from Article IX.
- (14) If the proposed timetable for development includes developing the land (including open space) in phases, all phases developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Township officials definitive guidelines for approval of future phases.
- (15) The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.
- (16) A landscaping plan identifying location, size and species of street trees, parking lot landscaping, entryway features, and buffer areas.
- (17) A lighting plan identifying location, size and spillage for all street and exterior lighting. All exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any adjoining property.
- (18) An Economic Impact Statement setting forth the financial impact of the proposed PRD on the Township, the school district and Union County.
- (19) Specific statements of divergence from the development standards in of this resolution and the justification therefore. Unless a variation from these development standards is specifically approved, the same shall be complied with. Since the Final Development Plan is an exact rendition of what is intended to be built all standards for landscaping, parking and setbacks are per plan.
- (20) Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- (21) The development plan shall bear the seal of an architect, landscape architect, and professional engineer licensed to practice in the state of Ohio.
- (22) The manner and method to be utilized in order to achieve and maintain compliance with the general criteria for the PTCB district.
- (23) The manner in which the applicant will mitigate any nuisance effects of the proposed uses such as, but not limited to:
  - (a) Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
  - (b) Air Pollution: No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
  - (c) Glare, Heat and Exterior Lighting: Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property where on the use is conducted.
  - (d) Dust and Erosion: Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
  - (e) Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply

or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

- (f) Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises.
  - (g) Odors: No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be met.
- (C) Supplemental Conditions and Safeguards: The Township Zoning Commission and/or Board of Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvement to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics and may request such additional documentation and/or exhibits as the Township Zoning Commission deems necessary to evaluate the final development plan.
  - (D) Additional Fees: The Board of Trustees may elect to retain the services of outside consultants, such as lawyers, architects, engineers, and planners, to assist in the review of a PTCD preliminary development plan. To the extent such consultants are retained, the applicant shall be obligated to reimburse the Township for all such out-of-pocket expenses incurred in the processing of the application and review of the final development plan.
  - (E) Affidavit of Property Owners: To the extent that the applicant is not the owner of the proposed PTCD property, the applicant must submit an affidavit from each property owner within the PTCD stating that the applicant may act as the owner's agent to submit the PTCD application.

**Section 7511 – Final Development Plan Approval:**

- (A) Approval Period- The approval of a final development plan shall be effective for a period of three (3) years, or for such other period as approved per plan, in order to allow for the filing and recording of a final subdivision plat, if platting is required by applicable law, and the commencement of construction of improvements on the site. No zoning amendment passed during the established approval period shall affect the terms under which approval of the final development was granted. If the required final subdivision has not been approved and recorded, and construction commenced within the established approval period, then the final development plan shall expire unless the Zoning Commission has approved an extension of this time limit. Absent such an extension, no use shall be established or changed and no building, structure or improvement shall be constructed until a new final development has been filed with and approved by the Township, and such application for approval, shall be subject to the same procedures and conditions as an original application. This new application shall comply with the terms of the Zoning Resolution then in effect at the time of filing, including, without limitation, any zoning amendments enacted from and after the date of the initial request to include the property within the PTCD.
- (B) Phasing- Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development.
- (C) Failure to Maintain- If the approved development plan is not adhered to, or the open space is not properly maintained, the Township Zoning Administrator may serve written notice of the deficiencies and demand that corrective action be taken. The Township may pursue noncompliance as a zoning violation as provided in this Resolution.
- (D) Plat Required- If a plat is required by applicable law, no use shall be established or changed, and no building, structure, or improvement shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Union County, Ohio, and this Resolution. The subdivision plat and plan shall be in accordance with the approved development plan and shall include:
  - (1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
  - (2) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to the recording of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount ensuring expeditious completion of said facilities within one (1)

year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building or use until such time that the facilities for the phase in which the building or use is located are completed.

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

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

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

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

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

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

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

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

(c) An increase in the density;

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

(e) A reduction in approved open space;

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

(g) A reduction in required pavement widths;

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

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

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

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

**ARTICLE VIII – RESERVED**

## ARTICLE IX – DESIGN STANDARDS

### SECTION 9000 – RESIDENTIAL DESIGN STANDARDS

#### **Section 9001 – Residential Design Standards Purpose:**

The purpose of this section is to implement the Comprehensive Land Use and Growth Plan and subsequent plans while promoting the health, safety and general welfare of the residents of Millcreek Township by encouraging high quality in the siting, organization, and construction of new residential developments and neighborhoods by:

- (A) Promoting new residential developments that are distinctive, have character, and relate and connect to established Township character;
- (B) Encouraging site planning that accommodates and responds to the existing natural and built environment on and adjacent to the site, including preservation of existing trees, vegetation, wildlife habitat, stream corridors, and wetlands;
- (C) Encouraging organization of new residential developments into cohesive neighborhoods that are safe, walkable, bikable, and pedestrian friendly;
- (D) Encouraging connections within and between new residential neighborhoods and adjacent and surrounding neighborhoods (existing or planned), land uses (such as schools, shopping, and employment), and parks and open space/trail systems;
- (E) Providing variety in housing design and types in order to promote more lifestyle options in Millcreek Township;
- (F) Providing variety in housing design and types in order to reduce the adverse, visual monotony of home designs often associated with large-scale residential subdivisions; and
- (G) Encouraging housing siting and design that emphasizes light, privacy, and resident access to outdoor space and recreation.

#### **Section 9002 – Residential Design Standards Applicability:**

All PRDs and PTCDs approved after the effective date of this ordinance in Millcreek Township shall comply with all the standards set forth herein.

#### **Section 9003 – Residential Design Standards Building Connections:**

These standards are intended to provide for safe, visible and convenient pedestrian and bicycle movement on-site and to provide the opportunity to connect to surrounding areas.

- (A) All sidewalks and pedestrian / bicycle pathways must comply with the Americans with Disabilities Act (ADA) standards.
- (B) A system of public concrete sidewalks, from four-foot to ten-foot wide and four inches thick, or according to the Union County Subdivision Regulations, which ever is more stringent, shall be provided. Pedestrian/bicycle pathways shall range from eight-foot to ten-foot wide, four-inch thick asphalt or concrete.
- (C) Sidewalks or pedestrian pathways shall be provided on-site connecting the site and public sidewalks; all principal buildings on the site; parking lots and principal buildings on the site and where logical connections to off-site locations can be made as in the Union County Recreation Master Plan or other appropriate planning documents. In no event is the placement of a sidewalk or pedestrian pathway intended to displace existing landscaped areas or to duplicate existing pedestrian routes.
- (D) Where it is necessary for the primary pedestrian route to cross any street with a classification of collector or higher (by the Union County Engineer), the pedestrian crossing shall be designed to emphasize and prioritize pedestrian access and safety. Such crossings shall be identified using pavement treatments, signals, lighting, traffic calming techniques, median refuge areas and/or landscaping along with signs and striping.
- (E) A system of pathways –separated from roads used by vehicular traffic- shall be provided for the use of bicyclists throughout and to and from the site. Off-street routes may be combined with pedestrian sidewalks or pathways and where combined shall be a minimum of ten (10) feet wide to accommodate the amount of pedestrian and bicycle traffic volumes expected to use the sidewalks or pathways.
- (F) Where adjacent to commercial areas or an existing or a planned trail system, developments shall provide ten-foot wide direct walkways on site that allow residents to walk to nearby shopping services, and recreational amenities.
- (G) The design of all through-access drives shall be consistent with, and aligned with, local streets in adjacent existing development sites, where possible.

- (H) The street and roadway system shall provide multiple points of connectivity from the site to the external arterial street system in the one (1) square mile section in which the site is located.
- (I) Multi-family development.
  - (1) Multi-family developments between five (5) and fifteen (15) acres shall include a minimum of one public street or private drive, with detached sidewalks and six-foot landscaped planting strips along side the drives, that are continuous through the site, and connects to a public street on either end (referred to as a “through-access drive”).
  - (2) Multi-family development sites greater than fifteen (15) acres shall include a minimum of two (2) through-access drives with detached sidewalks and six-foot landscaped planting strips.

**Section 9010 – Residential Design Standards - Building Orientation & Materials:**

- (A) Every front façade with a primary entrance to a dwelling unit or units shall face the adjacent public street to the maximum extent possible. Every front façade with a primary entrance to a dwelling unit or units shall include a connecting walkway from the primary entrance to the perimeter street sidewalk system.
- (B) Every building containing four (4) or more dwelling units shall have at least one (1) building entry or doorway facing any adjacent street that is not an arterial street or that has on-street parking.
- (C) Multi-family buildings within a development shall be arranged to enclose and frame common areas, which may include gardens, courtyards, recreation, and play areas. Such common areas shall contain at least four (4) of the following features:
  - (1) Planting areas containing annuals, perennials and/or flowering shrubs;
  - (2) Large, flowering trees;
  - (3) Seating;
  - (4) Pedestrian-scaled lighting;
  - (5) Gazebos or other decorative structures;
  - (6) Play structures for children;
  - (7) Natural environmental features.

**Section 9020 – Residential Design Standards – Neighborhood Identity Features:**

The purpose of this section is to provide an organizational framework or structure for the layout of new residential subdivisions. On a neighborhood-wide scale, residents will have easy access to at least one central neighborhood identity feature or gathering place (i.e. neighborhood park or recreation center). Such neighborhood identity features lend a “sense of place” to a new subdivision, thereby encouraging people to connect with their physical surroundings and interact with their neighbors. A neighborhood identity feature shall be provided within all eligible single-family, two-family, multi-family and mixed use residential developments.

Identity features may include a school (as approved by the appropriate school district), pocket park, pedestrian plaza or courtyard, community (clubhouse) building or garden, artwork such as a sculpture, water feature, fountain, picnic/barbeque area, or playground. Signage, fencing, and/or other aspects of a required perimeter treatment and required pedestrian and bike paths shall not be counted as an identity feature. In no event shall an identity feature credit be given for items that are required by other provisions of the subdivision code, such as parkland dedication requirements, landscaping or perimeter treatment. A mechanism shall be defined and established by the developer to ensure approval and perpetual maintenance of all neighborhood identity features, per the development agreement.

**Section 9021 – Residential Design Standards - Neighborhood Identity Feature Table:**

Where the number of acres and the number of dwelling units proposed in a development results in two different numbers of required identity features, the larger number of required identity features shall be used.

<b>Size of Residential Development (Acreage, Dwelling Units)</b>	<b>Number of Required Features</b>
Under 5 acres or up to 20 dwelling units	None
5 - 10 acres or 21 - 50 dwelling units	One
11 - 50 acres or 51 - 150 dwelling units	Two
51 - 100 acres or 151 - 300 dwelling units	Three
Over 100 acres or over 301 dwelling units	Four

**Section 9022 – Residential Design Standards – Neighborhood Identity Credit:**

The Township shall give credit for identity features as follows:

- (A) A system of special trails through the development shall count as one (1) identity feature. Special trails should be designed to provide interesting and distinct areas, for example, equestrian trails, crushed fines trail with collared edges intended for the preservation of wetland and natural riparian areas; decking or boardwalk trails, or in areas separate from and in addition to traditional sidewalks. Trails shall be designed and constructed using designs appropriate for the location as approved by the Zoning Commission.
- (B) A pocket park (of up to five (5) acres in size) shall count as one (1) identity feature. A park of 10 acres shall count as two (2) identity features. One neighborhood identity credit will be given for each five acre increment of contiguous parkland set aside. All parkland, submitted as an identity feature must be deeded to the Township.
- (C) A water feature, fountain, or artwork such as a sculpture, shall count as one-half (1/2) identity feature.
- (D) Play grounds with commercial grade equipment shall each count as one (1) identity feature. Such features shall be reviewed and approved by the Zoning Administrator.
- (E) Plazas, courtyards, or community gardens with collars to define garden edges, which cover at least one thousand (1,000) square feet in size shall each count as one (1) identity feature.
- (F) A community (clubhouse) building at least two thousand (2,000) square feet in size shall count as two (2) identity features.
- (G) An in-the-ground swimming pool site at least (2,000) square feet in size shall count as two (2) identity features. If these facilities are utilized, they shall be maintained by the property owner/developer or homeowner's association.
- (H) Other features may be considered credit toward meeting the identity feature requirement, subject to approval by the Zoning Commission.

**Section 9030 – Residential Design Standards – Mix of Residential Lot Dimensions Required:**

All residential subdivisions containing twenty (20) or more lots for single-family dwellings shall provide a mixture of lot sizes and dimensions. For example, larger and wider lots are encouraged on corner lots, while smaller lots are encouraged adjacent to parks and open spaces. The intent of this section is to have developers distribute similar lot sizes throughout a subdivision rather than consolidate them in one area.

- (A) Lot sizes of less than 5,999 square feet in size shall not comprise more than 15 percent of any subdivision.
- (B) Lots ranging from 6,000 to 6,999 square feet in size shall not comprise more than 50 percent of any subdivision.
- (C) At least 20 percent of all lots within the subject subdivision shall range from 7,000 to 12,499 square feet.
- (D) At least five (5) percent of all lots within the subject subdivision shall be 12,500 square feet or greater.

**Section 9031 – Residential Design Standards – Mix of Different Housing Models Required:**

A minimum of ten (10) different house models shall be provided in all single-family and two-family developments containing more than one hundred (100) lots or dwelling units. Single-family and two-family developments containing less than one hundred (100) lots shall have at least eight (8) different models.

**Section 9032 – Residential Design Standards – Complementary Architecture:**

All homes shall be designed with complementary styles, details, trim features, and roof treatments.

**Section 9033 – Residential Design Standards – Required Features:**

- (A) Eaves – All single family and two-family structures shall have a minimum of 8 inch eaves on the major roof line of all sides.
- (B) Basements – All single family and two-family structures shall have basements.
- (C) Exterior trim – All windows and doors shall have minimum 4 inch width exterior trim.

**Section 9034 – Residential Design Standards – Design Features:**

House models shall have at least four (4) of the following features, which serve to distinguish them from other house models:

- (A) The placement of windows and doors on the front façade elevation (at least a two (2) foot vertical or horizontal variation

in size or location is required).

- (B) The use of different exterior materials on the front façade elevation.
  - (1) At least fifty (50) percent of the models have at least 35 percent of the front façade elevation (not including window and door areas and related trim areas) clad in brick, stone, stucco, or other Township approved masonry material.
  - (2) Brick or other approved masonry materials shall wrap around inside corners and return a minimum of two (2) feet at outside corners.
- (C) Substantial variation in the location and/or proportion of garages and garage doors, such that garages do not dominate the front elevation.
- (D) Available models to be built must have varying widths of the front façade elevation, such that the narrowest and the widest differ by at least two (2) feet.
- (E) Variation in the location and proportion of front porches. Front porches shall comply with the minimum standards outlined below:
  - (1) When at least 2 of the 4 required home models in the development or in each subdivision filing incorporate a “qualified” front porch (see B. below), said porches may extend five (5) feet into the required front yard setback and the developer shall be allowed to repeat the same home model elevation no more than once every five (5) lots on the same side of the street.
  - (2) A “qualified front porch” shall mean a covered front porch with a minimum size of seventy-two (72) square feet of floor area, excluding the stoop and any projections (e.g. bay window), with a minimum depth of six (6) feet, and at least seventy-two (72) square feet in size. Qualified front porches shall not be enclosed to provide additional living space.
- (F) Substantial variations in rooflines and/or in the angle of roof runs. Roofs shall have a minimum pitch of 4:12 except for dormers, porch roofs, or other extensions.
- (G) Use of roof dormers.
- (H) A variation of building types: ranch, two-story, and split-level, or other.
- (I) Window shapes that are substantially different.
- (J) Other distinct and substantial architectural design variations approved by the Zoning Commission (and at the recommendation of the Architectural Review Board if and when it has been established). The sole use of minor cosmetic changes such as different paint color, reversing or creating mirrored image of the exterior architectural elevations, or using different brick color shall not meet the intent of this section.
  - (1) No two (2) of the same house models, with the exact same color scheme, masonry material and other optional features, shall be located next to each other or across the street from each other except for two-family dwellings, and no more than 20 percent of the development shall be of any single house model elevation. For two-family dwellings, both units in the structure may have the same exterior appearance, but each different structure shall be designed to meet the intent of this section by providing different models.

**Section 9035 – Residential Design Standards – Garage Placement & Design:**

- (A) Design standards for garages for two-family & multifamily residential:
  - (1) Garages shall be designed and oriented so that they do not dominate the front façade of the building to which they are attached and so that they provide variety in the front plane or façade of the building and visual interest on all sides of the garage that are visible from the public right-of-way.
  - (2) Detached garages shall be designed to be compatible with the related residential structures and shall be designed and oriented to minimize the visual effect of the scale and massing of the garages and create visual interest on all sides of the garage that are visible from the public right-of-way, through the use of landscaping, berming, architectural features or styles, building materials, and/or orientation of the site.
  - (3) To the maximum extent feasible, garage entries, carports, and parking garages shall not be located between a principal multi-family building and a required street frontage, but shall instead be internalized in building groups so that they are not visible from adjacent public streets.
  - (4) Detached garages and carports shall be compatible with the principal building architecture, and shall incorporate similar and compatible forms, scale, materials, colors, and details.
  - (5) Detached garages and carports shall have pitched roofs with a minimum slope of 4:12.

**Section 9036 – Residential Design Standards – Mix of Roof Colors:**

These roof standards shall apply to all new residential developments containing twenty (20) or more single-family or two-family residential dwellings. Where asphalt shingles, or any new material other than natural slate or clay tiles are used, each development or subdivision shall use at least three (3) visibly distinct colors of roof materials distributed in roughly equal proportions throughout the development. All vents, and vent piping shall be painted to match the principal structure and be located on the backside of the roof when possible. The Zoning Administrator must approve roof colors. Exceptions for color of roofing material if using slate or tile roofing shall be approved by the Zoning Commission.

**Section 9037 – Residential Design Standards – Rear Elevations:**

Rear elevation standards shall apply to all new multi-story residential developments. At least one horizontal or vertical offset, projection, or recess of twelve (12) inches or greater is required on all rear elevations. This may include chimneys, covered porches, bay windows or other features integral to the main structure (i.e. not decks)

**Section 9100 – Residential Design Standards – Town Home & Multifamily Architectural Review Standards:**

- (A) Exterior architecture elevations including proposed roof style and pitch, window and door detail, materials and colors shall be compatible with the character and massing of the surrounding area if there is an established character.
- (B) At least 35 percent of the façade of all town home and multi-family buildings shall be made of natural material (brick, stone, stucco, or wood).
- (C) All sides of all buildings shall include design characteristics and materials consistent with those on the front or primary façade of the building, where visible from the public right-of-way.
- (D) Building entrances shall be identified and directly accessible from a public sidewalk or sidewalk internal to the site.
- (E) Walls in excess of fifty (50) feet in length shall be permitted to be visible from a public right-of-way if a minimum of twenty (20) percent of the length of the wall projects or recesses at a minimum depth equal to three (3) percent of the length of the wall and a change in materials and texture, or a permanent architectural treatment or feature is provided.
- (F) When through-wall heating, venting, or air conditioning units appear on exterior building walls, such units shall be covered by an architectural grille, and shall be designed in such a manner as to blend in with surrounding wall surfaces. When such units are adjacent to building windows, they shall be designed to appear to be part of the building's window pattern by matching window dimensions, colors, or trim. Such units shall not overhang surrounding wall planes, but shall be set flush with the façade or be placed inconspicuously in façade recesses.

## **SECTION 9500 – COMMERCIAL DESIGN STANDARDS**

### **Section 9501 – Commercial Design Standards Purpose:**

The purpose of the commercial design standards is to improve the quality of life and promote a positive visual image. It is further the purpose of these standards to promote safety, encourage quality, orderly development and promote the goals of the Millcreek Township and the Comprehensive Land Use and Growth Plan.

### **Section 9510 – Commercial Design Standards Applicability:**

The commercial design guidelines apply to all commercial, institutional, industrial, warehouse and office developments in the PCD, PID and PTCD.

### **Section 9520 – Commercial Design Standards – General Site Development:**

Site development plans should be carefully designed to integrate the functional requirements of the project with the existing site features and the surrounding developed and undeveloped properties.

- (A) Outstanding natural site features such as trees, creeks, rock outcroppings, etc. should be integrated into design plans whenever possible.
- (B) The location of site uses should be coordinated with adjoining properties to avoid creating nuisances such as noise, traffic, risk of hazard, etc.
- (C) Building setbacks should be related both to the street and to existing buildings on adjacent lots, and development of land in cooperation with owners of adjoining properties is encouraged where parking, driveways, plazas, and entries can be shared.
- (D) Future development should use minimal building setbacks to help create a strong architectural edge.
- (E) Side and rear yard parking are encouraged to provide screening and a strong architectural street edge.
- (F) Outdoor use spaces should be created as amenities (e.g., courtyards and patios). The entry plaza should be richly developed with site amenities such as benches, pots, tree grates, and bedding plants to provide a positive public interface point.

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

Primary facades must meet the primary façade standards outlined in this section.

- (A) Buildings located mid-block shall be oriented to face the public right-of-way, unless it can be shown that there are compelling site conditions that necessitate a different orientation. If site conditions necessitate that the building not face the public right-of way, then the building is considered to have two primary facades; the façade that faces the public right-of-way and the façade that incorporates the customer service entrance.
- (B) Commercial buildings on corner lots shall be oriented to face a public right-of-way, unless it can be shown that there are compelling site conditions that necessitate a different orientation. If site conditions necessitate that the building not face the public right-of way, then the building is considered to have three primary facades; the two façades that face the public right-of-way and the façade that incorporates the customer service entrance.
- (C) All primary facades of a building shall be designed with complementary architectural style, detail, trim features, and roof treatments.
- (D) For parcels of one half (1/2) acre or larger, building perimeter landscaping shall be planted adjacent to and along the full length of the primary façade. The landscaped area shall be a minimum eight (8) feet wide and shall include shrubs and groundcover with one shade tree for each twenty five (25) feet or fraction thereof of the lineal building façade, or one under story tree for each fifteen (15) feet or fraction thereof of the lineal building façade.
- (E) Primary facades shall have at least four (4) of the following:
  - (1) A primary customer entrance.
  - (2) For parcels less than one half (1/2) acre, perimeter landscaping planted adjacent to and along the full length of the primary façade. The landscaped area shall be a minimum of eight (8) feet wide and shall include shrubs and groundcover with one shade tree for each twenty five (25) feet or fraction thereof of the lineal building façade, or one under story tree for each fifteen (15) feet or fraction thereof of the lineal building façade.
  - (3) Arcades or colonnades a minimum of six (6) feet wide, or other roof treatments that provide shade and a break in the vertical plane, along at east fifty (50) percent of the horizontal length of the primary façade.

- (4) Display windows a minimum of six (6) feet high, along at least fifty (50) percent of the horizontal length of the primary façade.
  - (5) Awnings, associated with windows and/or doors, in increments of ten (10) feet or less in length, along at least fifty (50) percent of the horizontal length of the primary façade.
  - (6) Windows covering at least 40% of the primary façade.
  - (7) Any other treatment that, in the opinion of the Zoning Commission/ or Architectural Review Board upon establishment, meets the intent of this section.
- (F) Primary facades shall incorporate the screening of outdoor storage of customer shopping carts adjacent to the building. Shopping carts shall be screened by a wall a minimum of four (4) feet in height. The exterior façade of the wall shall be treated consistently with the primary façade.
- (G) Exterior building materials and colors contribute significantly to the visual impact of a building on the community. The use of certain materials on primary facades is restricted as follows:
- (1) Corrugated metal panels, used as a finish material, shall be prohibited on the primary façade. Architectural metal panels are acceptable, subject to appropriate consultation and a determination by the Zoning Administrator and/or the Architectural Review Board, upon its establishment, that the treatment meets the intent of this section.
  - (2) Smooth-faced concrete on a primary façade shall have stucco or other decorative finish.
  - (3) Backlit awnings/canopies are specifically prohibited. Pre-wiring for backlit awnings/canopies is prohibited. Awnings/canopies shall not be backlit.

**Section 9540 – Commercial Design Standards – Secondary Façade Standards:**

Secondary facades must meet the standards outlined in this section. This section is specifically applicable to that side of any structure where customer parking is developed. This section may be deemed not applicable or only partially applicable by the Zoning Administrator after review as to the narrowness and visibility of the space between the side of the new building and the property line and the adjacent building. This determination shall only apply to side yards of less than ten (10) feet. Regardless of other determinations, when the space between buildings is over ten (10) feet, applicable landscape and related requirements shall apply.

- (A) Complementary architecture. All secondary facades of a building shall be designed with complementary architectural style, detail, trim features, and roof treatments of the primary façade. A secondary façade with primary entrance shall, by definition, meet primary façade requirements.
- (B) Secondary facades shall have at least two (2) of the following:
- (1) Perimeter landscaping planted adjacent to and along fifty (50) percent of the linear length of the secondary façade. The landscaped area shall be a minimum eight (8) feet wide and shall include shrubs and groundcover with one shade tree for each fifty (50) feet or fraction thereof of the lineal building façade, or one under story tree for each twenty-five (25) feet or fraction thereof of the lineal building façade.
  - (2) Arcades or colonnades a minimum of eight (8) wide, or other roof treatments that provide shade and a break in the vertical plane, along at least fifty (50) percent of the horizontal length of the secondary façade.
  - (3) Display windows a minimum of six (6) feet high, along at least fifty (50) percent of the horizontal length of the secondary façade.
  - (4) Awnings associated with windows and/or doors, in increments of ten (10) feet or less in length, along at least fifty (50) percent of the horizontal length of the secondary façade.
  - (5) Windows, covering at least 40% of the secondary façade.
  - (6) Any other treatment that in the opinion of the building official meets the intent of this section.
- (C) Secondary facades shall incorporate the screening of outdoor storage of customer shopping carts adjacent to the building. Shopping carts shall be screened by a wall a minimum of four (4) feet in height. The exterior façade of the wall shall be treated consistently with the primary façade.
- (D) Exterior building materials and colors contribute significantly to the visual impact of a building on the community. The use of certain materials on secondary facades is restricted as follows:
- (1) Corrugated metal panels shall not cover more than 25% of any secondary façade. The same architectural metal panels applied to the primary façade are acceptable, subject to appropriate consultation and a determination by the building official that the treatment meets the intent of this section.
  - (2) Smooth-faced concrete shall not cover more than 30% of the secondary façade.

- (3) Backlit awnings/canopies are specifically prohibited. Pre-wiring for backlit awnings/canopies is prohibited. Awnings/canopies shall not be backlit subsequent to their construction.

**Section 9550 – Commercial Design Standards – Building Design Treatments:**

Both single and multiple-tenant buildings and projects are required to provide a minimum of five (5) of the following building design treatments:

- (A) Arched, gabled, stepped or decorative parapet with cornice over primary customer entrance, integrated with the building's massing and style.
- (B) Canopies or porticos, integrated with the buildings massing and style.
- (C) Peaked roof forms.
- (D) Overhangs, a minimum of three (3) feet wide.
- (E) Arcades, a minimum of six (6) feet wide.
- (F) Arches or arched forms.
- (G) Display windows, a minimum of six (6) feet high.
- (H) Ornamental and structural details that are integrated into the building structure.
- (I) Clock tower or bell tower.
- (J) Sculptured artwork (excluding corporate logos or advertising).
- (K) Any other treatment that, in the opinion of the Zoning Administrator, meets the intent of this section.

**Section 9551 – Commercial Design Standards – Sign Colors:**

Use of corporate colors are permitted under the condition that such usage does not make the building a sign and, at the discretion of the Zoning Administrator, may be reviewed for determination of compliance with the Township Sign Regulations in this Resolution.

**Section 9552 – Commercial Design Standards – Secondary Buildings:**

Separate structures (carwash, cashiers booth, canopies over gas pumps, etc.) on the site shall have the same architectural detail, design elements and roof design as the primary structure, including a comparable pitch or parapets for roofs, same cornice treatment, same materials and colors, etc.

**Section 9560 – Commercial Design Standards – Roof Treatments:**

- (A) Both single and multiple-tenant buildings and projects are required to have variations in the rooflines, and roof features that are consistent with the building's mass and scale. In addition, roofs shall meet at least two (2) of the following requirements:
  - (1) Decorative parapets that have a minimum of three (3) feet in height above the finished roof or that are high enough to block the view of any mechanical equipment.
  - (2) A three-dimensional cornice treatment, a minimum of twelve (12) inches high, having a minimum of three (3) vertical (not diagonal) changes in plane (no two on the same plane), and a variety of thickness in relief ranging from the greatest at the top to the least at the bottom.
  - (3) Overhanging eaves that extend at least three (3) feet beyond the supporting walls, with a minimum fascia of six (6) inches deep.
  - (4) Three or more roof planes per primary façade.
  - (5) A sloping roof that does not exceed the average height of the supporting walls, with an average pitch of 4:12 or greater.
  - (6) Any other treatment that, in the opinion of the Zoning Administrator, meets the intent of this section.
- (B) Backlit awnings used as a mansard or canopy roof are prohibited in both single and multiple-tenant buildings. Pre-wiring for backlit awnings/canopies is prohibited. Awnings/canopies shall not be backlit subsequent to their construction.
- (C) Rooftop equipment and fixtures shall be concealed from eye-level view from any public right-of-way and from the ground level of any adjacent properties.

**Section 9570 – Commercial Design Standards – Customer Service Treatments:**

These requirements are not applicable to single-tenant buildings with a gross floor area of ten thousand (10,000) square feet or less, or multiple-tenant buildings and projects with a gross floor area of less than twenty thousand (20,000) square feet.

- (A) The following customer service treatments are required:
- (1) Single-tenant buildings, with a gross floor area of over ten thousand (10,000) square feet and less than twenty thousand (20,000) square feet, shall have a highly visible primary customer entrance.
  - (2) Single-tenant buildings with a gross floor area of twenty thousand (20,000) square feet shall have a highly visible primary entrance incorporating decorative landscape planters or wing walls that incorporate landscaped area.
  - (3) Multiple-tenant buildings and projects that have a gross floor area at twenty thousand (20,000) square feet and over shall have the following:
    - (a) Anchor tenants shall provide highly visible primary customer service entrances.
    - (b) A provision shall be made for decorative landscape planters and intermittent shaded outdoor community space. Such area shall be located near the main structure entrance or circulation path of the complex.

**Section 9580 – Commercial Design Standards – Section Façade Treatments:**

- (A) All façades of buildings with a gross floor area of 20,000 square feet or larger shall be required to incorporate at least three (3) of the following façade treatments. At least one (1) of these treatments shall repeat horizontally. All design elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically. All façades of buildings with a gross floor area of less than 20,000 square feet shall be required to incorporate at least two (2) of the following façade treatments. At least one (1) of these treatments shall repeat horizontally. All design elements shall repeat at intervals of no more than twenty-five (25) feet, either horizontally or vertically.
- (1) Expression of a vertical architectural treatment with a minimum width of twelve (12) inches.
  - (2) Building setbacks, offsets or projections, a minimum of three (3) feet in width.
  - (3) Color change.
  - (4) Texture and/or material change.
  - (5) Architectural banding.
  - (6) Pattern change.
  - (7) Any other treatment that, in the opinion of the Zoning Administrator, meets the intent of this section.
- (B) Blank wall areas on any façade shall not exceed ten (10) feet in vertical direction or twenty (20) feet in horizontal direction. Control and expansion joints constitute a detail feature only if incorporated as a decorative pattern and spaced at intervals of six (6) feet or less apart. Relief and reveal work depth must be a minimum of one-half (1/2) inch.

**Section 9590 – Commercial Design Standards – Drive-Through Window Standards:**

Drive-through windows and lanes shall be designed to adhere to the following standards:

- (A) Drive-through windows shall not be placed between the right-of-way and the associated building unless an eight (8) foot wide landscape buffer of a length to cover the entire drive-through cueing or stacking area is installed and maintained.
- (B) Drive-thru windows on either side of a building that are visible to pass-by traffic shall be screened by a five (5) foot landscape buffer of a length to cover the entire drive-thru cueing or stacking area. A permanent covered porte-cochere type structure over the window is required.
- (C) A permanent covered porte-cochere type structure over the window is required. The porte-cochere must be the width of the drive and a minimum of twenty (20) feet in length to cover the length of the drive-thru and service window and shall be integrated structurally and architecturally into the design of the building. The porte-cochere may encroach into the side yard setback.

**Section 9600 – Commercial Design Standards – Lighting Fixtures:**

Refer also to Article on Lighting

- (A) Lighting shall be designed in a consistent and coordinated manner for the entire site. It shall be used to accent key architectural elements and/or to emphasize landscape features, and shall be designed to avoid the creation of hot spots, glare or a nuisance.
- (B) Light fixtures shall be designed as an integral design element that complements the design of the project through style, material or color.
- (C) Lighting of on-site buildings shall be limited to wall-washer type fixtures or down-lights, which do not produce spillover lighting.

- (D) Site lighting shall not incorporate floodlight fixtures mounted on building walls, roofs or poles.
- (E) Lighting at building entrances may exceed allowable standards of intensity for safety purposes upon demonstration to Township that compliance with this lighting criteria will create a public safety hazard and that special and unique conditions exist requiring additional lighting at building entrances; provided, however, that such lights shall be directed downward to minimize spillover lighting and glare.
- (F) Lighting intensities shall be designed as recommended by IES.
- (G) Lighting levels for fire lanes or driveways at building entrances shall not exceed five (5) foot-candles.
- (H) Lighting standards, including the pole height and fixture, shall be a maximum of 30 feet in height within the parking lot and shall be a maximum of 15 feet in height within non-vehicular pedestrian areas.
- (I) At service stations and convenience centers, lighting under canopies, porte-cocheres, etc. should be recessed and shall use flat glass lenses. If not recessed, the box type or other fixture shall be opaque on all sides (no light shall show from any side of the fixture) and shall use flat glass lenses.
- (J) The light source shall be metal halide (maximum 250 watts) or fluorescent.
- (K) The maximum foot-candle level shall be thirty (30) fc (average maintained maximum).
- (L) Clear flat lenses may be used with phosphor coated metal halide lighting or a clear metal halide light may be used with a diffused flat lens.
- (M) Exterior illumination shall be installed with houseside shields and reflectors (as required), and maintained in such a manner, as to confine direct light rays to the premises and minimize light rays and glare onto adjacent properties.
- (N) Parking areas (except for parking areas at service stations and convenience centers located under an awning, canopy, porte-cochere, etc) shall be illuminated as follows:
- (O) Parking area lighting shall be decorative in nature and shall be shielded from adjacent properties by utilizing flat glass lenses, house-side shields and "NEMA" type II, III and IV reflectors (otherwise known as decorative cut-off luminaries).
- (P) The lamp source shall be metal halide. The maximum wattage shall not exceed 400 watts. Lighting illumination levels range from a minimum of 0.6 fc, to a maximum (outside a twenty foot (20') radius from the pole) of 3.6 fc. A photometric plan is required. In the alternative, each fixture/lamp source shall be spaced no closer than three pole heights to any other light source, other than wall mounted lights.
- (Q) Phosphor coated lamps shall be utilized where the lamp source is not hidden by the luminaire housing or equipped with a diffused lens.
- (R) Decorative acorn type fixtures shall not exceed eighteen (18) feet in height and two hundred and fifty (250) watts per bulb and shall have a textured clear lens/globe, frosted/phosphor coated bulbs and an internal optical system.
- (S) The use of horizontal lamps is highly recommended.
- (T) Pedestrian walkways and bikeways shall be illuminated as follows:
  - (1) The lamp source shall be decorative in appearance, style and finish. Selected luminaries shall have the lamp source shielded from view.
  - (2) The lamp source shall be metal halide within a development but, may be high-pressure sodium adjacent to public right-of-way. The maximum wattage shall not exceed 100 watts. Lighting illumination levels range from a minimum of 0.2 fc to a maximum of 2.5 fc. A photometric plan is required. In the alternative, each fixture/lamp source shall be spaced no closer than six times the overall height of the fixture, including both poles and luminaries. This is for other than against wall mounted lights. Phosphor coated lamps shall be utilized where the lamp source is not hidden by the luminaire housing or equipped with a diffused lens.

**Section 9610 – Vehicular Use Area Interior Landscaping (Cross Reference to Article XIII).**

- (A) Interior vehicular use areas consist of all vehicular use areas except those parking spaces contiguous to a perimeter for which a landscape screen (hedge and trees) is required.
- (B) At least fifteen (15) percent of the remaining interior vehicular use area shall be landscaped. Each separate landscaped area shall be a minimum of twenty-five (25) square feet, with one shade tree required for each one hundred (100) square feet of required interior landscaping. All landscaped areas adjacent to parking areas shall be protected from vehicle encroachment by curbing or wheel stops. Specifically, curb-stops are to be so placed that landscape areas of less than five (5) foot widths are protected.
- (C) A maximum of ten (10) continuous parking spaces are permitted without a landscape break. The landscape break shall be a minimum of eight (8) feet in length and eight (8) feet in width and include one (1) shade tree of an acceptable species. The shade tree shall be a minimum of ten (10) feet in height with 3 inch caliper. As an alternative, landscaped

seven-foot wide center medians located between all lineal rows of which may face head-to-head may be provided, with one shade tree per sixty (60) lineal feet of median.

- (D) A landscape island is required at the ends of each row of parking spaces-singular or head-to-head. Where singular, one (1) tree is required. Where head-to-head, two (2) trees are required.

**Section 9620 – Commercial Design Standards – Merchandise Display Areas:**

Fenced merchandise display areas (i.e. garden centers), visible from a public right-of-way shall be constructed of decorative metal or fiberglass fencing. Additionally, the merchandise display area shall be landscaped and integrated into the design of the primary structure using one of the following techniques:

- (A) Masonry columns constructed of the same materials and color of the main building, spaced a maximum of twenty-five (25) feet apart; or
- (B) A free standing wall constructed of the same material, color, height and style of the main building along the entire length of the fenced storage area that covers at least fifty (50) percent of the fenced storage area.

**Section 9630 – Commercial Design Standards – Pedestrian Circulation:**

- (A) Pedestrian ways and linkages shall be provided from the site to the surrounding streets, external sidewalks, and out parcels. Pedestrian ways shall be designed to provide access between parking areas and the building entrance in a coordinated and safe manner. Shared walkways are encouraged between adjacent commercial projects.
- (B) Pedestrian access shall be provided at a minimum ratio of one access point for each public vehicular access point, excluding ingress and egress points intended primarily for service, delivery or employee vehicles. Such pedestrian access points shall provide connections to the adjacent public sidewalk system, transit stops and out parcels.
- (C) Pedestrian walkways shall be a minimum of five (5) feet wide. Pedestrian walkways shall be designated by not only painted stripes, but by other material or treatment sufficient to identify them. These other materials may include concrete, brick, or others as approved by the Zoning Administrator
- (D) Building perimeter crosswalks shall be designed and coordinated to move people safely to and from buildings and parking areas by identifying pedestrian crossings with signage and variations in pavement materials or markings.

## **SECTION 9700 – DESIGN STANDARDS – ARCHITECTURAL REVIEW**

### **Section 9700 – Design Standards – Architectural Design Review Procedure:**

Architectural Design Plan Required – The Architectural Design Plan ("ADP") is a conceptual master plan intended to accomplish the goals of integrated master planning, connectivity between major developments, creation of park and open space networks across neighborhood boundaries, creation of neighborhood features and centers, provision of adequate utilities, and high levels of residential and commercial design quality.

### **Section 9701 – Design Standards – Architectural Design Plan Submittal Timing:**

Review and approval of an ADP by the Zoning Commission and the Architectural Review Board (when it shall be established) shall be required prior to, or concurrent with, approval of a rezoning to a planned district or other preliminary plat approval.

### **Section 9710 – Design Standards – Architectural Design Review Procedure for Approval:**

Combined Submissions Encouraged. At the applicant's option, an application for an ADP may be combined with an application for any preliminary subdivision plat or rezoning to a planned district.

### **Section 9711 – Design Standards – Architectural Design Plan Review Criteria:**

The Zoning Commission shall review the ADP and shall take final action to approve, approve with conditions, or deny the ADP based on its compliance with the following criteria:

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

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

An approved Architectural Development Plan shall lapse and be of no further force and effect if a preliminary subdivision plat or preliminary site plan for the development, or for a phase of the development identified in the ADP, has not been submitted within one (1) years from the date of the Zoning Commission's final action.

### **Section 9730 – Design Standards – Architectural Design Plan Submittal Requirements:**

Each ADP shall contain the following elements unless the Zoning Commission determines that one or more of the elements are unnecessary.

- (A) Land Analysis Element that identifies:
  - (1) Natural or manmade features and amenities such as streams, irrigation ditches, significant views, stands of mature trees, historic or archeological sites or areas, agricultural outbuildings, and actual and potential wildlife habitat;
  - (2) Hazards, including airport influence areas;
  - (3) Existing or planned street and road system located adjacent to the subject property;
  - (4) Land uses, existing or approved by the Township, located within 1/2 mile of the boundaries of the subject property;
  - (5) The proposed development's relationship with and connections to surrounding lands and land uses (existing or approved);
  - (6) Any non-residential areas within the development; and
  - (7) Any natural or man-made features used to divide the property into individual neighborhoods and development areas.
- (B) Location and Provision of Neighborhood Features that will serve as focal points for the community, and identification of any design themes for the proposed Neighborhood Feature such as common architectural themes, landscaping themes, general materials, and general styles.
- (C) General Organization of Land Uses and Densities, including the placement of Neighborhood Features and activity centers. An ADP may include identification of general locations of conditional uses if the applicant chooses, but approval of an ADP shall not constitute approval of specific conditional uses.
- (D) General Auto, Pedestrian Circulation, and Trails Network that complies with these Residential Design Standards, the County Subdivision Regulations, as amended, and applicable Township road standards and specifications.

- (E) General Park and Open Space Network that complies with these design standards, the Union County Subdivision Regulations, as amended, and the County Parks & Recreation Master Plan.
- (F) Conceptual Drainage Plan. Planning level of detail is required, but no engineering details or analysis is required at this stage.

**Section 9740 – Design Standards – Architectural Design Plan Staff Review for Compliance:**

The Zoning Commission or the Architectural Review Board (upon its establishment) shall be responsible for reviewing all subdivision applications for compliance with these Residential or Commercial Design Standards as applicable. The Architectural Review report compiled by/or for the Zoning Commission, shall include a written finding regarding the application's compliance or non-compliance with these Residential or Commercial Design Standards as applicable.

The documents shall be submitted to the Zoning Administrator not less than thirty-five days prior to the Zoning Commission meeting. All ADP submittals shall be accompanied by a fee as established by Township Trustees.

**Section 9750 – Design Standards – Architectural Design Plan Additional Review Criteria:**

In addition to the review criteria set forth in the Subdivision Regulations, the Zoning Commission shall review all applications for preliminary subdivision plats for compliance with the following criteria:

(A) Preliminary Subdivision Plats -

- (1) The plat complies with the terms and conditions of any previously approved Architectural Development Plan;
- (2) The plat complies with the residential site planning and site design standards and the mix of residential lot dimensions standards set forth in these Residential Design Standards; and
- (3) The plat evidences the availability and adequacy of public facilities and services needed to meet the demand generated by the proposed subdivision.
- (4) The Zoning Commission shall deny a preliminary subdivision plat that does not evidence such compliance, unless the applicant has made a successful application for a variance from these Residential Design Standards and or Commercial Design Standards.

(B) Final Subdivision Plats –

- (1) The plat complies with the terms and conditions of any previously approved Architectural Development Plan (ADP) and/or a preliminary subdivision plat;
- (2) The plat complies with these Residential Design Standards and or Commercial Design Standards, including, without limitation, standards requiring a mix of housing models; and
- (3) The plat evidences the availability and adequacy of public facilities and services needed to meet the demand generated by the proposed subdivision, or has provided measures to substantially mitigate any inadequacies.
- (4) The Zoning Commission shall not recommend approval, nor shall approve a final subdivision plat that does not evidence compliance with these Residential Design Standards and or Commercial Design Standards, unless the applicant has made a successful application for a variance.

**Section 9760 – Design Standards – Architectural Design Plan Building Permit Review Required:**

After the effective date of these Design Standards, no building permit shall be issued for the construction of a residential structure subject to these Design Standards until the applicant has produced evidence that the unit for which a permit is being requested has been approved pursuant to the Building Permit Review set forth in this subsection.

**Section 9761 – Design Standards – Architectural Design Plan Building Permit Application Filing:**

Applications for Building Permit Review shall be submitted to the Township. Such applications shall include:

- (A) An application form approved by the Township, and
- (B) Three (3) scale drawings of each elevation of each dwelling unit, or housing model, that is subject to design requirements pursuant to these Design Standards. All application materials shall be in adequate detail to enable the Township to determine whether each of the required standards has been met.

**Section 9762 – Design Standards – Architectural Design Plan Building Permit Review & Action:**

The Township's designee shall review each application for Building Permit Review to determine if the proposed development complies with the approval criteria listed below.

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

**Section 9763 – Design Standards – Architectural Design Plan Building Permit Action:**

After such review, the Designee will act to approve, approve with conditions, or deny the application based upon the criteria. The Building Permit Review approval document shall state that all dwellings covered by the approval shall be constructed as shown in the application documents, except as such designs may have been amended by conditions attached to the approval.

**Section 9764 – Design Standards – Architectural Design Plan Building Permit Extension:**

- (A) Once a Building Permit Review has been completed and approved it becomes a part of the Building Permit and is subject to the same conditions of the Building Permit. The Building Permit and the approval may be extended for six (6) months with the approval of the Zoning Administrator or other Township designee, if at least thirty percent (30%) of the overall building permits have been issued in the subdivision for which the extension is being requested. Only one such extension shall be granted.
- (B) If the Building Permit Review has been approved for a phased project, the approval will be void if no building permit is applied for within a three-year period. If one phase is completed which accounts for at least thirty percent (30%) of the total project, the Building Permit Review approval for the remaining phases shall be valid for an additional three (3) years from the date of completion of the first phase. The issuance of a Certificate of Occupancy for the last building constructed in a phase shall mark the completion of that phase. Only one such extension shall be granted for multiphase projects.

**Section 9765 – Design Standards – Architectural Design Plan Building Permit Appeal:**

Disputes regarding the Township's decisions shall be first appealed to the Zoning Administrator, or other Township designee. Disputes regarding the Administrator's decisions shall be appealed to the Zoning Commission.

**Section 9766 – Design Standards – Architectural Design Plan Building Permit Amendments:**

Any Building Permit Review approval granted pursuant to this subsection may be amended by filing a new application for Building Permit Review together with all supporting documents.

**Section 9767 – Design Standards – Architectural Design Plan Building Permit Lapse of Approval:**

The right to construct residential structures in accordance with the Building Permit Review approval shall lapse and be of no further effect with respect to any homes for which a building permit has not been obtained within six (6) months of the date of Review approval, unless an extension has been granted.

**Section 9768 – Design Standards – Architectural Design Plan Building Permits:**

No building permit relating to any non-exempt residential development shall be issued until the applicant has received a Building Permit Review approval pursuant to the terms of this Resolution.

**Section 9769 – Design Standards – Architectural Design Plan Housing Model Mix Verification:** Applicants for building permits for dwellings that were part of a subdivision approved in accordance with this subsection shall affirm and certify in the building permit application that the dwelling that is the subject of the permit does not adjoin or face a lot with the same housing model in violation of the mix of housing model standards set forth above. No building permit shall be issued for construction out of compliance with these regulations.

**Section 9800 – Design Standards – Variances:**

If specific site conditions make it impossible or clearly impractical to construct dwellings as required by these Residential Design Standards or to construct commercial structures as required by the Commercial Design Standards, the applicant may request a variance from the terms of these Design Standards through the Township's standard zoning variance procedure set forth in Article IV. The variance process may not be used to vary the terms of a subdivision approval or a Building Permit Review approval where the site conditions supporting the variance were caused by the applicant or known to the applicant at the time of the subdivision or Architectural Review application.

**Section 9900 – Design Standards – Enforcement:**

Any violation of these Residential and Commercial Design Standards, including without limitation, construction of any new single-family detached, duplex dwelling unit, or multifamily building without first obtaining subdivision or Architectural Review approval, or filing false or misleading information on a subdivision or Architectural Review application, shall be a violation of the Township Zoning Regulations, as amended, and shall be subject to all the enforcement provisions of those regulations. Without limiting the generality of the previous sentence, these Design Standards may be enforced by withholding building permits, suspending or revoking building permits previously granted, or issuing stop work orders effective until violations of these Standards have been corrected.

**Section 9901 – Design Standards – Violation – Penalty:**

Any person who violates any of the provisions of this chapter is guilty of a violation of this chapter and shall be punished as provided in this Resolution.

## **ARTICLE X – SUPPLEMENTARY DISTRICT REGULATIONS**

### **Section 10001 – Purpose:**

Supplementary regulations apply to several districts or a set of districts and are set forth here.

### **Section 10010 – Required Trash Areas:**

All non single-family residential uses that provide trash and/or garbage collection areas shall have such areas enclosed on all sides by a solid wall or fence a minimum of six feet in height or one foot higher than the receptacles, whichever is greater. There shall be a lockable gate on the fourth side if such area is not within an enclosed building or structure. Provisions of adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determine by the Zoning Administrator shall be required.

### **Section 10020 – Special Provisions for Residential Uses:**

The regulations applicable to residential uses shall be supplemented by the following provisions.

### **Section 10021 – Determining Minimum Floor Area for Housing Units:**

The minimum floor area per family in housing units shall include only area used for living quarters. Utility rooms, garages, carports, porches, laundry areas and basements are to be excluded.

### **Section 10022 – Conversion of Dwellings to More Units:**

In the U-1 district a residence may be converted to accommodate an increased number of dwelling units provided:

- (A) The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district in which the dwelling is located.
- (B) The lot area per family shall equal the lot area requirements for new structures in that district;
- (C) The number of square feet of living area per family unit is not reduced to less than that which is required for new construction in that district.

### **Section 10023 – Home Occupation – Permitted Use:**

A home occupation is permitted in districts, as specified, if they meet all of the following conditions, without exception:

- (A) The owner of the premises must reside in the Dwelling Unit used for the Home Occupation;
- (B) No person or persons, other than the owners of the premises shall operate a Home Occupation;
- (C) Not more than one on-site worker in addition to the owner shall be employed in a Home Occupation;
- (D) All Home Occupations shall be conducted entirely within the Dwelling Unit, and the use of the Dwelling Unit for the Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants;
- (E) Not more than twenty percent (25%) or five hundred (500) square feet of the gross Floor Area, whichever is less, of any Dwelling Unit shall be used for a Home Occupation;
- (F) Home Occupations shall not be permitted in any Accessory Building within any District, though accessory buildings may be used for the parking of vehicles affiliated with the Home Occupation;
- (G) There shall be no change in the outside appearance of the Building or premises, or other visible evidence of the conduct of such Home Occupation other than one Sign, not exceeding two (2) square feet in area, non- illuminated, and mounted flat against the wall of the Building in which the Home Occupation is located;
- (H) There shall be no goods or services sold directly to customers on the premises;
- (I) Traffic generated by the home occupation shall in to case be in a greater volume then would normally be expected in a residential neighborhood;
- (J) No outdoor storage of vehicles, equipment, supplies, or other materials associated with such Home Occupation without being stored entirely within a building and not visible from the road or any another surrounding property;
- (K) Equipment or processes shall not be used in such Home Occupations which create noise, vibrations, illumination, fumes, odors, or electrical interference detectable off the Lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises; and
- (L) There shall be no increased burden placed upon existing public services provided to the residence as a result of a Home Occupation.

- (M) Hours of operation shall not exceed 8:00 a.m. to 5:00 p.m., Monday thru Friday;
- (N) The property occupying the Home Occupation must be compliant with current zoning standards and shall not include violations and/or non-conformities; and
- (O) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

**Section 10024 – Home Occupation – Conditional Use:**

A person may apply for a Conditional Use Permit for a Home Occupation in the U-1 or R-1 districts that does not comply with the requirement of Section 10023. The criteria for the issuance and maintenance of such a permit for a Home Occupation are as follows:

- (A) The owner of the premises must reside in the Dwelling Unit used for the Home Occupation;
- (B) There shall be no more than two (2) non-residential on-site employees or volunteers to be engaged in the proposed Use, in addition to the owners;
- (C) Retail sales may be permitted within an accessory building on-site if they are incidental and relative to the Home Occupation;
- (D) No outdoor storage of vehicles, equipment, supplies, or other materials associated with such Home Occupation without being stored entirely within a building and not visible from the road or any another surrounding property;
- (E) Not more than thirty-five percent (35%) of the gross Floor Area of any residence and/or architecturally compatible accessory buildings shall be devoted to the proposed Home Occupation;
- (F) The external appearance of the Structure in which the Use is to be conducted shall not be altered and not more than one
  - (1) Sign no larger than two (2) square feet which shall be either mounted flush to the wall of the Structure, no higher than six (6) feet, or otherwise appropriately placed on the property, no higher than four (4) feet, in accordance with the application;
- (G) Minor or moderate Alterations in accordance with the Zoning Resolution may be permitted to accommodate the proposed Use but there shall be no substantial construction or reconstruction;
- (H) Equipment or processes shall not be used in such Home Occupations which create noise, vibrations, illumination, fumes, odors, or electrical interference detectable off the Lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises;
- (I) No more than four (4) additional parking places may be proposed in conjunction with the Home Occupation, which must meet parking standards and shall not be located in a required Front Yard. Outside of business hours, commercial vehicles shall be enclosed within a building or moved off-site;
- (J) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use;
- (K) The Union County Engineer’s Office must have, within the past year, inspected and demonstrated compliance of all structures and driveways which are to be occupied by the Home Occupation;
- (L) A storm water management plan must be submitted with approval of appropriate county and/or state agencies, unless waived by the Board of Zoning Appeals;
- (M) A landscaping and screening plan indicating all existing and proposed plantings, unless waived by the Board of Zoning Appeals;
- (N) Hours of operation shall not exceed 8:00 a.m. to 5:00 p.m., Monday thru Friday;
- (O) The property occupying the Home Occupation must be compliant with current zoning standards and shall not include violations and/or non-conformities; and
- (P) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

**Section 10030 – Setback Requirements for Corner Buildings:**

On a corner lot the main building and its accessory structures shall be required to be set back the same distance from all highway right-of-way lines as required for the front set back in the district in which such structures are located.

**Section 10031 – Visibility at Intersections:**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half and ten feet above the center line grades of the intersecting highways in the area abounded by the highway lines of such corner lots and a line joining points along said street lines 50 feet from the point of intersection.

**Section 10040 – Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts:**

Nonresidential buildings or uses abutting Residential Districts or uses shall not be located nor conducted closer than 50 feet to the Business District (B-2) or 200 feet for Manufacturing (M or EQ) District to any lot line of a residential district. Landscaping and Screening requirements found in Article XIII also apply.

Any type of screening shall not obscure traffic visibility within 50 feet of the point of an intersection

**Section 10050 – Exceptions to Height Regulations:**

The height limitations contained in the official Schedule of District Regulations, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, wind turbines (as regulated in Section 10051) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, EXCEPT that they may not be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said lot.

**Section 10051 – Wind Turbines:**

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

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

(A) Height: The height of any turbine shall comply with the following:

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

(B) Setbacks: Any turbine erected on a parcel of land shall be setback 1.5 times the greatest of the following:

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

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

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

(E) Shadow Flickering: Wind turbines shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year per property on existing buildings, decks, patios, porches, pools, etc. The applicant has the burden of proving that the shadow flicker will comply with such standard. Potential shadow flicker will be addressed either through siting or mitigation measures. Calculation inputs should include turbine location, potential receptor locations, sun's movement, hub height, rotor diameter, wind direction frequency

distribution and monthly average sunshine hours.

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

**Section 10060 – Architectural Projections:**

Open structures such as porches, decks, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required setbacks for front, side or rear yard.

**Section 10070 – Temporary Buildings:**

Temporary buildings, canopies, construction trailers, equipment and materials used in conjunction with construction work only may be permitted in any District during the period construction work is in progress, but such temporary facilities shall be removed within fourteen (14) days of completion of the construction work unless a six (6) month extension is granted by the Board of Zoning Appeals. All temporary facilities shall require a Zoning Permit from the Zoning Administrator.

In Residential districts, tents and canopies for entertainment and play may be erected for no more than fourteen (14) days in each calendar year.

**Section 10080 – Open Storage and Display of Materials and Equipment:**

The open storage and display of material and equipment incident to permitted uses in commercial and industrial districts shall not be permitted without a conditional use permit from the Board of Zoning Appeals.

**Section 10090 – Junk:**

No trash, debris, litter, rubbish, unused property, discarded materials, junk vehicles, vehicle parts, rags, lumber, building materials, equipment and/or parts thereof, or any other garbage, refuse or junk shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard, or nuisance to the Township or general public.

**Section 10100 – Private Swimming Pools:**

- (A) A swimming pool means any portable pool or permanent structure capable of containing at least 18 inches of water or more in depth; intended for recreational purposes, including wading pools, but not including an ornamental reflecting pool, landscape fountain or fish pond. No such swimming pool shall be allowed in any district unless it complies with the following conditions and requirements.

- (B) The pool is intended to be and is used solely for the enjoyment of the occupants, and their invited guests, of the principal use of the property on which it is located.
- (C) It is not located, including any walks or paved areas or accessory structures adjacent thereto, closer than 10 feet to any property line of the property on which it is located.
- (D) The swimming pool, area of land immediately surrounding the pool or entire property on which it is located shall be walled or fenced to prevent uncontrolled access from the roadways or adjacent properties. Fencing requirements:
  - (1) Fence or wall shall not be less than four (4) feet in height.
  - (2) There shall be at least three (3) feet in width of unobstructed access around all pools.
  - (3) Fence or wall must be maintained in good condition at all times.
  - (4) Gates equipped with an auto closing / auto latching mechanism.
  - (5) Comply with other Township Fence Regulations found in Article X.
- (E) Swimming pools must be maintained for the health and safety of residents at all times. When “in season / in use”, pools must always contain clean and sanitary water. If pool is not in use (or during “off season” months), it must either be drained completely or covered completely.
- (F) No water drained from a swimming pool shall be discharged onto adjacent properties without written consent of the owner.
- (G) Private swimming pools, together with other accessory structures, shall not occupy more than 50 percent of the rear yard area.
- (H) Heating units, pumps, and filter equipment shall be completely housed and muffled in such a manner as not to create a nuisance. Such equipment shall be located not closer than 10 feet to a lot line and shielded from view of any roadway, and shall also be subject to County Electrical Permit requirements.
- (I) No swimming pool may be constructed without obtaining a permit from the Township Zoning Administrator. Applicable fees for such permits shall be established by the Board of Township Trustees.

**Section 10200 – Ponds:**

Ponds shall be excavated as a permitted use provided the following standards are met (Also, see Ponds definition):

- (A) Union Soil and Water Conservation District (SWCD) must review and approve proposed construction site with landowner.
- (B) The pond shall be designed in accordance with NRCS (Natural Resource Conservation Service) Standards and Specifications along with USDAS (United States Department of Agricultural Services) Engineering Field Manual for Conservation Practices. Tile found in working order on site must be rerouted around proposed pond. Soil must be spread in a manner not to encroach on adjacent properties.
- (C) The Union Soil and Water Conservation District (SWCD) shall be responsible for approvals of pond design and doing site inspections during construction to assure that the pond is constructed according to the approved plan.
- (D) The pond outlet must be designed not to encroach on adjacent property.
- (E) Setbacks: Fifty (50) feet from road right-of-way to high water mark and thirty (30) feet from high water mark to side and rear lot lines.
- (F) Three (3) acre minimum lot size.
- (G) All ponds shall be at least one-fourth (¼) acre in size.
- (H) All construction of ponds within the Township shall be accomplished in a manner consistent with maintenance of good surface and subsurface drainage.
- (I) This applies to all zoning districts.

**Section 10300 – Common Access Drives (General):**

Common Access Drives (CAD) provide an alternative to construction of public or private streets for accessing small numbers of lots and reduce the number of driveways along public roads. CADs may be permitted based upon a case-by-case evaluation of the site and project specific characteristics such as, but not limited to: access management and traffic safety, slopes, drainage, preservation of environmentally sensitive areas, access, and maneuvering room for firefighting vehicles, and compliance with local zoning codes. CADs must be designed by an engineer or surveyor in accordance with these regulations. All lots as part of a Common Access Driveway shall have the required road frontage (see Official Schedule of District Regulations). Lots not meeting the required road frontage shall be required to obtain a variance from the Millcreek Township Board of Zoning Appeals.

Common Access Drive – A common access driveway (CAD) is a privately constructed, privately owned, and privately maintained driveway located within an ingress/egress easement serving more than one lot (or parcel) but not more than five lots (or parcels) installed in accordance with the requirements of the Union County Engineer.

And for which Union County and Millcreek Township accept no responsibility for maintenance, dispute, or liability either initially or at any time in the future. A common access drive provides an alternative to construction of public or private streets for accessing small numbers of lots and reduces the number of driveways along public roads. All lots as part of a Common Access Driveway shall have the required road frontage.

The sub-divider is responsible for constructing the CAD in accordance to standards and restrictions and any additional or more restrictive standards required by the sub-divider's engineer or surveyor, Zoning Administrator, fire official or County Engineer. (For CAD standards, and requirements, see the Union County Technical Design Standards available from the Union County Engineer's Office).

**Section 10400 – Flood Plains Overlay – Establishment of Regulatory Floodplain District:**

The Regulatory Floodplain District shall exist as an overlay district and shall apply concurrently with other zoning district classifications. Land uses and development allowed under Article IV must also meet all other applicable sections of this Section.

**Section 10410 - Designation of the Regulatory Floodplain District:**

The Regulatory Flood Plain District shall be designated as those flood hazard areas which are identified in the "Flood Insurance Study for Union County, Ohio" and accompanying Flood Insurance Rate Maps (FIRM) published by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program (NFIP). These maps and data shall be on file with the Union County Engineer.

**Section 10420 – Floodway and Floodway Fringe:**

The Regulatory Flood Plain District is further divided into two portions consisting of the Floodway and the Floodway Fringe. The Floodway is that portion of the Flood Plain consisting of the channel and sufficient adjacent lands to convey the Base Flood discharge without increasing the Base Flood Elevation more than one-half foot. The Floodway Fringe is that portion of the Floodplain outside of the Floodway. The FEMA water surface profiles of the Base Flood shall govern the location of the Floodplain boundary. The Base Flood Elevations and Floodway boundaries shall be established as those indicated by NFIP maps and data published by FEMA, including all revisions and amendments thereto. FEMA maps and data shall be used to establish the Regulatory Flood Plain District. FEMA maps and data shall govern in case of omission on or in conflict with the zoning maps.

**Section 10430 - Non-Detailed Flood Hazard Areas:**

In designated flood hazard areas for which FEMA has not determined detailed flood elevations and Floodway boundaries, the applicant shall be required to furnish such information prepared by qualified personnel to enable the administration of this Ordinance consistent with its intent. Flood maps and data published by State or Federal sources such as the USDA Soil Conservation Service, U.S. Army Corps of Engineers, U.S. Geological Survey, or Ohio Department of Natural Resources shall be utilized when available. In case of differing information from two or more of these sources, the more comprehensive and recent technical data shall be used.

When detailed flood elevations and floodway boundaries are not available for the Base Flood through FEMA or other state or federal sources, the applicant shall provide them. Such information and data shall be prepared by a qualified Professional Engineer in accordance with currently accepted hydrologic and hydraulic engineering techniques and methodology. Such studies, analysis, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Community NFIP Administrator (County Engineer) and the State NFIP Coordinating Agency.

**Section 10440 - Permitted Uses in the Floodway:**

The following uses, not including buildings, shall be permitted within the Floodway, provided they comply with all other applicable sections of this Zoning Resolution:

- (A) Agricultural land uses such as general farming and cultivation, pasturing, grazing, outdoor open air nurseries, truck farming, forestry, sod farming, and similar uses.

- (B) Private or public recreational land uses such as golfing, tennis, archery, picnicking, boating, swimming; parks, wildlife, or nature preserves; shooting ranges, hunting and fishing areas; hiking, biking, jogging, and horseback riding trails; and other similar uses.
- (C) Residential open space uses such as lawns, gardens, play areas, and other similar use

**Section 10450 – Prohibited Uses in the Floodway:**

The following structures and uses are prohibited in the Floodway unless specifically listed as a Conditional Use.

- (A) Buildings and structures, including mobile homes, for residential, commercial, industrial, agricultural, or other use.
- (B) Storage or processing of materials.
- (C) Trash, garbage, or waste disposal operations; landfills; wastewater treatment and disposal facilities.
- (D) Placement of material, fill, or spoil of any type or the construction or extension of levees, dams, dikes, floodwalls, or other such moundings, embankments unless otherwise permitted under this Chapter.
- (E) Encroachments which would cause any increase in the Base Flood Elevations.

**Section 10460 - Conditional Uses in the Floodway:**

The following uses shall be Conditional Uses within the Floodway provided they comply with all other applicable sections of this Ordinance and any conditions attached by the Zoning Committee granting the Conditional Use Permit:

- (A) Navigational and stream flow aids, marinas, boat rental, docks, piers, wharves, and water measuring and monitoring devices.
- (B) Construction, placement, or improvement or maintenance of public or private culverts, utilities, bridges and stream crossings of any type or size, erosion control and protection measures.

**Section 10470 - Permitted Uses in the Floodway Fringe:**

- (A) Uses permitted in the Floodway shall also be permitted in the Floodway Fringe.
- (B) Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$1,000.00.
- (C) Accessory structures not for human occupancy and no larger than 576 square feet gross floor area provided the structure is certified by a registered professional engineer or architect; or the structure is created with a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding and ensuring that the bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other openings provided that they permit the automatic entry and exit of floodwaters. All accessory structures shall meet the applicable requirements.

**Section 10480 – Conditional Uses in the Floodway Fringe:**

The following uses shall be Conditional Uses in the Floodway Fringe, provided they meet all applicable standards and requirements of this Ordinance and any conditions attached by the Zoning Committee in granting the Conditional Use Permit:

- (A) All Conditional Uses in the Floodway are limited to those listed previously.
- (B) Residential, commercial, industrial, manufacturing or similar structures or buildings, with the exception of mobile/modular or manufactured homes or structures which are prohibited uses in special flood hazard areas.
- (C) Storage or processing of materials.
- (D) Parking and loading areas.
- (E) Wastewater treatment and disposal systems.
- (F) Flood control or mitigation structures and measures.
- (G) Temporary or permanent placement of material, fill, or spoil of any type or other such mounding or embankment or additions or extensions thereto.

**Section 10500 – Flood Plains Development Standards:**

In addition to other applicable Development Standard provisions, the following standards for arrangement, development, and use of land and buildings shall be required in the Regulatory Flood Plain District.

**Section 10510 – Flood Plains Development Standards – Anchoring:**

All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

**Section 10520 – Flood Plains Development Standards – Maintain Flow Characteristics:**

No use of the Floodplain shall unduly or adversely affect or impact the efficiency, flow characteristics, or flood heights of the main channel or other affected tributaries, ditches, drainage facilities or systems, for storm frequencies up to and including the Base Flood event. No use or encroachment within the Floodway shall increase the Base Flood Elevation.

**Section 10530 – Flood Plains Development Standards – Minimize Flood Damage:**

All activities and developments shall be planned, designed, constructed, and installed consistent with the need to minimize damages in time of flooding.

**Section 10540 – Flood Plains Development Standards – Storage or Processing of Materials:**

Storage or processing of materials which are buoyant, pollutants, flammable, explosive, or could be injurious to human, animal or plant life in time of flooding shall be stored one and one half (1 1/2) feet above the Base Flood Elevation, or suitably flood-proofed and protected. The Ohio EPA shall approve proposed protection measures and safeguards. Storage of materials or equipment or placement of other obstructions which in time of flooding may be dislodged or otherwise carried off site by flood waters to the possible damage or detriment to life or property must be protected by suitable safety measures approved by the Zoning Commission.

**Section 10550 – Flood Plains Development Standards – Parking & Loading Areas:**

Public or private parking or loading areas which would be inundated to a depth of one and one-half feet or more or subjected to flow velocities over four (4) feet per second must be provided with adequate flood warning devices and measures approved by the Zoning Commission.

**Section 10560 – Flood Plains Development Standards – Public & Private Utilities or Facilities:**

Wastewater treatment and disposal facilities must be approved by the Ohio EPA, the Municipal Engineer, or the County District Board of Health, whichever has jurisdiction, and must be elevated or flood proofed to provide protection from the Base Flood. Activities or developments such as bridges, culverts, docks, wharves, piers, water supply systems, sanitary sewer systems, storm sewers and works, or construction of other public or private utility works and appurtenances shall be planned, designed, constructed, installed, and maintained consistent with the need to minimize the potential of flood damage to them and to the community in accordance with this Ordinance. Compensating measures shall be required by this Ordinance to offset potential impacts of such projects.

**Section 10570 – Flood Plains Development Standards – Flood or Erosion Control Measures or Watercourse Alteration or Relocation:**

Dams, dikes, levees, embankments, floodwalls, rip rap, rock protection, or other flood or erosion control measures and any alteration or relocation of the channel or watercourse shall be subject to all applicable provisions of the Ohio Revised Code and all other applicable state, federal, county and local ordinances and regulations. Such measures over three (3) feet in height or involving over one thousand (1,000) square feet of surface area may be submitted by the Community NFIP Administrator (County Engineer) to the U.S. Army Corps of Engineers and/or the Ohio Department of Natural Resources for review, recommendations, and approval as appropriate. Flood control measures intended to remove lands from the Regulatory Floodplain District classification must be approved by FEMA. The Regulatory Floodplain District shall be changed to coincide only with effective revisions to published NFIP maps.

**Section 10600 - Buildings & Structures Located in a Flood Plain District:**

Temporary or permanent placement of buildings and structures, new construction and substantial improvement of residential and nonresidential buildings shall meet the following:

**Section 10610 - Residential Construction within a Flood Plain District:**

- (A) Flood protection shall be achieved by elevating the building. Buildings shall not be permitted with floor levels below the base flood elevation. The lowest floor, including basement, shall be at least one foot above the Base Flood Elevation, plus Floodway computation increases. Floodway computation increases range from 0.0 to 0.5 feet and are listed in the Flood Insurance Study published by FEMA.

- (B) All structural, site and/or grading plans for residential development activities in the floodplain shall be prepared and sealed by a registered professional engineer and/or architect.
- (C) The applicant shall obtain and furnish to the Community NFIP Administrator (County Engineer) as-built elevations, certified by a Registered Surveyor, of the basement and first floor, to be maintained on file for public inspection.
- (D) No residential buildings and/or structures shall be located in the Floodway portion of the Floodplain.

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

- (A) New construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated at least one foot above the Base Flood Elevation, plus floodway computation increases; or, together with attendant utility and sanitary facilities, shall be flood-proofed so that the structure is watertight with walls substantially impermeable to the passage of water to at least one foot above the Base Flood Elevation, plus floodway computation increase; have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and, be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. A flood proofing certificate, to be completed by a registered professional engineer or architect is required if flood proofing is chosen over elevation.
- (B) All structural, site and/or grading plans for nonresidential development activities in the floodplain shall be prepared and sealed by a registered professional engineer and/or architect.
- (C) The applicant shall obtain and furnish to the Community NFIP Administrator as-built elevations, certified by a Registered Surveyor, of the basement and first floor, to be maintained on file for public inspection.
- (D) No nonresidential buildings and/or structures shall be located in the Floodway portion of the Floodplain.

**Section 10700 – Floodways:**

The Flood Insurance Study identifies a segment within areas of special flood hazard known as a floodway. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential.

**Section 10710 – Areas with Floodways:**

The following provisions apply within all delineated Floodway Areas:

- (A) See Part.11 (a) and (b) for residential and nonresidential floodway development provisions.
- (B) Other encroachments, including fill, and other development are prohibited unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
- (C) Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon prior approval by the Federal Emergency Management Agency.

**Section 10720 - Areas without Floodways:**

In all areas of special flood hazard where FEMA has provided base flood elevation data but has not delineated a floodway, the following provisions apply:

- (A) Encroachments, including fill, and other development shall only be permitted if it is demonstrated that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one-half foot at any point.

**Section 10800 – Regulatory Flood Plain District – Additional Plan Requirements:**

For Zoning Compliance, Conditional Use Permit, and Variance applications involving the Regulatory Floodplain District, the applicant shall furnish sufficient information to permit the Zoning Administrator, County Engineer and/or Zoning Committee to determine the Regulatory Floodplain and Floodway Boundaries and Base Flood Elevations, and to otherwise facilitate the administration and enforcement of this Ordinance. Such information shall include but not be limited to the following:

- (A) Plans drawn to scale showing the nature, location, dimensions, and details of the property, development activities, and land use, both existing and proposed;
- (B) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in special flood hazard areas where base flood elevation data are utilized;
- (C) Existing and proposed topographical information;

- (D) Elevation in relation to mean sea level to which any proposed structure will be flood proofed where base flood elevation data are utilized including certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria.
- (E) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.
- (F) Other information as may be reasonably deemed necessary by the Community NFIP Administrator (County Engineer).
- (G) The applicant shall submit certification of finished elevations, and/or other proofs or assurances of compliance with approved plans to the satisfaction of the Community NFIP Administrator (County Engineer).
- (H) Permits issued on the basis of applications, plans, specifications, and other information approved by the Community NFIP Administrator (County Engineer) shall authorize only the use, arrangement, and construction set forth therein.

**Section 10820 – Compliance with Approved Plans:**

Building Permits or Conditional Use Permits issued on the basis of applications, plans, specifications, and other information approved by the Zoning Administrator or Zoning Committee shall authorize only the use, arrangement, and construction set forth therein. The applicant shall submit certification of finished elevations, and/or other proofs or assurances of compliance with approved plans to the satisfaction of the Zoning Administrator and/or the Zoning Committee.

**Section 10830 - Compliance with the National Flood Insurance Program:**

The administration of this Zoning Ordinance shall in no way lower any requirement or standard of the National Flood Insurance Program, 44 CFR Part 60.3 and 60.6.

The Community NFIP Administrator shall review all applications involving Conditional Uses and Variances in the Floodplain and prepare a brief report and recommendation to be submitted to the Zoning Committee prior to action.

**Section 10840 – Flood Zone Warning and Disclaimer of Liability**

This Part of the Zoning Resolution does not imply that areas outside the Regulatory Floodplain District or uses allowed or otherwise permitted or approved within the Regulatory Floodplain District in accordance with the provisions of this Ordinance will be free from flooding or flood damages. This Resolution or its administration and/or enforcement shall not create liability on the part of the Township, any officer or employee of the Township, or other staff or personnel involved in its administration and/or enforcement. Additional flood protection beyond that required by this Resolution is recommended and encouraged.

**Section 10900 – Fuel Stations:**

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

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

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

**Section 10910 – Fuel Stations – General Standards:**

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

- (A) Buffer: No tank, container, pipe or other equipment for the storage and handling of flammable liquids may be installed within 1,000 feet of the boundary of plot used for a residence, school, hospital, church or theater or within 100 feet of the 100 year Flood Plan or a Source Water Assessment Program (SWAP).
- (B) Sumps & Piping: All tank top connections including fill, pump, and automatic tank gauging (ATG) risers must occur within full-depth or collared sumps, and contain double-walled piping for the underground portion of vent pipes.
- (C) Hazard Awareness: Advisory signs shall be posted at each pump summarizing proper methods for handling and disposing of waste, relevant storm water discharge prohibitions, wastewater discharge requirements and proper spill treatment at a minimum. Such signage should also declare a proper contact and phone number for who to call

in the event a spill is not or cannot be properly addressed.

- (D) Lighting: Shall comply with Section 15500.
- (E) Signs: Signs shall be posted at the fuel dispenser or fuel island warning vehicle owners/operators against “topping off” of fuel tanks. Drains shall be labeled within the facility boundary, by paint/stencil (or equivalent), to indicate whether they flow to an oil/water separator, directly to the sewer, or to a storm drain. Labels are not necessary for plumbing fixtures directly connected to the sanitary sewer. Emergency shutoff switches should be plainly labeled.
- (F) Grading & Pavement: The air/water supply areas and outdoor waste receptacle areas shall be graded and paved to prevent run-on of storm water. Fuel dispensing areas and fuel delivery areas must be elevated and paved with a smooth impervious surface, with a 2% to 4% slope inward to catch basin(s) to prevent ponding, and must be separated from the rest of the site by a grade break designed to prevent run-on of storm water. The fuel dispensing area is defined as extending 6.5 feet from the corner of each fuel dispenser or the length at which the hose and nozzle assembly may be operated plus 1 foot, whichever is less. The fuel delivery area is defined as the area where a fuel supplier parks a fuel delivery truck while it is unloaded. The paving around the fuel dispensing area may exceed the minimum dimensions of the fuel dispensing area and must be surrounded by a gutter system where necessary to ensure all run-off from the fuel dispensing areas and fuel delivery locations is captured.
- (G) Canopy: A roof shall be installed over the fuel dispensing areas, with an adequate footer, and the cover’s minimum dimensions must be equal to or greater than the area within the grade break or the fuel dispensing area. The cover must not drain onto the fuel dispensing area.
- (H) Other Best Management Practices (BMPs): The use of best management practices shall be required through the design review process, including but not limited to:
  - (1) The installation of oil/water separators, which are designed to appropriately treat storm water and directed to an approved sanitary sewer system; and
  - (2) Secondary containment for unloading of fuel, such as a contained unloading pad and potential connection to an oil/water separator.

**Section 10920 – Fuel Stations – Maintenance Standards:**

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

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

**Section 10930 – Fuel Stations – Application Requirements:**

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

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

to minimize pollution, address protocols to prevent a spill and address actions in the event of a spill.

## ARTICLE XI – SIGNS AND ADVERTISING

### **Section 11001 – Signs & Advertising – Purpose:**

The purpose of this chapter is to provide standards for signs to safeguard life, health, property, safety, and public welfare, while encouraging creativity, variety and compatibility, and protection of the Township’s rural character as articulated in the Comprehensive Land Use and Growth Plan. The provisions of this Chapter are intended to:

- (A) Encourage creative and well-designed signs that contribute in a positive way to the Township’s visual environment, express local character, and help develop a distinctive image for the Township. Quality and well-maintained signs are encouraged.
- (B) Encourage signs that are responsive to the aesthetics and character of their particular location, adjacent buildings and uses, and the surrounding neighborhood. Signs should be compatible and integrated with the building's architectural design and with other signs on the property.
- (C) Recognize that signs are a necessary form of communication, and provide flexibility within the sign review/approval process to allow for unique circumstances and creativity.

### **Section 11010 – Signs & Advertising – Applicability:**

- (A) Sign standards – The sign standards provided in this Article are intended to apply to signs in each zoning district in the Township. Only signs authorized by this Article shall be allowed.
- (B) Existing non-conforming signs – Except as otherwise specifically provided, nothing in this chapter shall require removal or discontinuance of an existing on-premises or existing off-premises sign. Such signs shall not be enlarged or extended and the same shall be deemed a nonconforming sign under the terms of this Zoning Resolution. Nonconforming signs are subject to the provisions of Article V, and any modifications/enhancements must comply with this Article.
- (C) Content not regulated – The Township regulates only the physical location, size, density and appearance of signage. This Resolution shall not be used to restrict content or Constitutionally-protected free speech.

### **Section 11020 – Signs & Advertising – Sign Permits:**

- (A) Sign permits required. To ensure compliance with the regulations of this Article, a Sign Permit shall be required in order to apply, erect, move, alter, reconstruct, or repair any permanent or temporary sign, except signs that are exempt from permits in compliance with this article. Additional permits may be required through the Building Department.
- (B) Review authority. The Zoning Administrator will review all sign permit applications within the Township. If and when a Township Architectural Review Board is established, the board shall also review all sign permit applications for consistency with the Comprehensive Land Use and Growth Plan policies, and with Design Standards in Article IX. The Zoning Administrator has thirty (30) days from the date of submittal to review all sign permit applications and either grant or deny the sign permit application.
- (C) Preparation. Applicants for a sign permit must submit the following information.
  - (1) Color sign rendering.
  - (2) Site plan and elevations.
  - (3) Sign dimensions and dimensions of sign mounting material, where applicable.
  - (4) Distance from all public rights-of-way.
  - (5) Style, type, wattage, and location of all lighting.
  - (6) List of construction materials, including sign mounting material, where applicable.
- (D) Criteria for approval. The Zoning Administrator may only approve a sign permit, if the proposed sign meets the requirements of this Chapter.

### **Section 11030 – Signs & Advertising – Sign Standards by Zoning District:**

All signs shall comply with the standards of the applicable zoning district, in compliance with the following provisions.

**Table 11030(A) - Sign Standards for Residential Zoning Districts**

Under current Zoning guidelines, this applies to U-1, R-1, and residential portions of Planned Unit Development Districts.

Sign Class	Maximum number per site <sup>1</sup>	Permit Required	Permitted Sign Types	Maximum Area per Sign	Maximum Height (Entire Structure)	Lighting Allowed	Additional Requirements
Single-family subdivision identification signs	None	N/A	None				
Multi-family development	1 per entrance	Y	Monument	32 SF	6'	No	Must not be located closer than 5 feet from the nearest right-of-way
		Y	Freestanding bracket	32 SF	6'	No	Must not be located closer than 5 feet from the nearest right-of-way
		Y	Cantilever	16 SF	15'	No	
		Y	Wall	6 SF	12'	No	
Home Occupation and Child Daycare Centers	1 (only in the U-1 District)	Y	Freestanding bracket or Cantilever	10 SF	3'	No	Must not be located closer than 5 feet from the nearest right-of-way
Public Service, Public Uses, Parks, Conservation Districts or Schools	1 per side of street frontage	Y	Wall	1 SF per linear foot of wall surface up to 75 SF	10'	Yes	No internal illumination
		Y	Monument	48 SF	6'	Yes	No internal illumination
		Y	Freestanding bracket	32 SF	6'	Yes	No internal illumination
		Y	Cantilever	25 SF	15'	Yes	No internal illumination
Churches or Other Places of Worship	1 per side of street frontage	Y	Monument	32 SF	6'	Yes	No internal illumination
		Y	Wall	1 SF per linear foot of wall surface up to 48 SF	6'	Yes	No internal illumination
		Y	Freestanding bracket	32 SF	6'	Yes	No internal illumination
		Y	Cantilever	25 SF	15'	Yes	No internal illumination

Notation 1 – The total number of signs permitted per site can be any combination of the permitted sign types. The maximum number per site does not maximum number per each permitted sign type.

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

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

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

Sign Class	Maximum number per site	Permit Required	Permitted Sign Types	Maximum Area per Sign	Maximum Height (Entire Structure)	Lighting Allowed	Additional Requirements
Business identification – Primary business frontage	2 per primary business frontage	Y	Wall	1 SF per linear foot of wall surface up to 80 SF	15'	Yes	
		Y	Window	More than one window sign is permitted; however the maximum area may not exceed the total allowed for wall signs		No	Window signs may not be larger than twenty-five (25) percent of the aggregate window area  Window signs are limited to one per window
	1 per side of street frontage	Y	Awning / Canopy	N/A	N/A	No	
		Y	Blade / Bracket <sup>3</sup>	8 SF	4'	Yes	No internal illumination
		Y	Freestanding Bracket <sup>3</sup>	48 SF	6'	Yes	
		Y	Monument	48 SF	6'	Yes	Not allowed for second story tenants unless part of a directory sign  No internal illumination
		Y	Cantilever	25 SF	15'	Yes	No internal illumination
Business identification – Secondary business frontage	1 per secondary business frontage	Y	Wall	1 SF per linear foot of wall surface up to 6 SF	2'	Yes	
		Y	Awning / Canopy	N/A	N/A	No	
Business identification – No street frontage	1 per tenant space	Y	Wall	1 SF per linear foot of wall surface up to 50 SF	10'	Yes	Allowed only for uses with no business frontage facing a public street  No internal illumination
		Y	Window	More than one window sign is permitted; however the maximum area may not exceed the total allowed for wall signs		No	Window signs may not be larger than twenty-five (25) percent of the aggregate window area  Window signs are limited to one per window
		Y	Awning / Canopy	N/A	N/A	No	

Notation 3 – Only one permitted per site

**Table 11030(C) – Signs Exempt from Permits and Temporary Signs**

The following sign classes are allowed in any Zoning District and are exempt from sign permits or are deemed to be of a temporary nature.

Sign Class	Maximum number per site	Permit Required	Permitted Sign Types	Maximum Area per Sign	Maximum Height (Entire Structure)	Lighting Allowed	Additional Requirements
Flags, Pennants or Insignia of any nation, state, township, political unit or educational institution		N	Flags, Pennants	N/A	N/A	Yes	
Signs of a duly constituted government body		N	All types	N/A	N/A	No	Window signs may not be larger than twenty-five (25) percent of the aggregate window area. Window signs are limited to one per window
Cornerstones, Commemorative tablets and historical signs		N		10 SF		No	
Property address signs, or signs with the names of occupants of a residential property		N	All types	1 SF	4'	Yes	No internal illumination
Official neighborhood watch signs		N	All types	2 SF	5'	No	
Signs authorized by Ohio Dept. of Transportation within their right-of-way		N				Yes	To be located in ODOT right-of-way
Off-site directional signs to publicly owned facilities or emergency facilities		N	All types	12 SF	4'	Yes	
Off-site signs that are part of and accessory to bus shelters, transit shelters, or banners attached to streetlights and other similar structures and installed by the Township or in compliance with an agreement with the Township Board of Trustees		N	Wall signs and banners	4 SF		Yes	
Signs located inside a building		N	Interior			Yes	Must not be plainly visible from the exterior of the building
Directional signs, entry or exit to parking		N		4 SF	3'	No	Cannot be in ROW or obstruct motorist line of sight
Accessibility signs indicating special parking for the handicapped	1 per parking space	N	Pole / Bracket / Wall	2 SF	4'	Yes	Imprinted with the universal sign of accessibility
Official and legal notices required by a court or government agency		N	Temporary – All types			Yes	
Real Estate signs located on < 20 acres	1 per lot	N	Temporary – All types	4 SF	10'	No	Remove 10 days after sale complete

Sign Class	Maximum number per site	Permit Required	Permitted Sign Types	Maximum Area per Sign	Maximum Height (Entire Structure)	Lighting Allowed	Additional Requirements
Real Estate signs located on 20 acres or more	1 per road frontage	N	Temporary – All types	32 SF per face (max 64 SF total)	8'	No	Remove 10 days after sale complete; cannot be in ROW
Open house signs	3 off premise directional	N	Maximum 48 hours display	4 SF		No	Cannot be in ROW, must be with property owners' permission
Promotion of community services, schools, churches	1 per lot	N	Maximum of 30 days uninterrupted display			Yes	
Decorations associated with national, state, local or religious holidays		N	Flags / Signs / Lights			Yes	Can contain no advertising
Political signs		N	Maximum 72 hours after the election	4 SF	4'	No	Cannot be in ROW or on any fences or poles in ROW
Business "sandwich board"	1 per business location (only adjacent to a sidewalk)	N	Limited to regular hours of business	Not more than 3' wide	4'	No	Must leave 4' of sidewalk for passage, only display during daylight hours

**Section 11040 – General Requirements:**

- (A) Outdoor advertising signs. Outdoor advertising signs shall be limited to signs pertaining to advertising exclusively for the use established or goods sold or services rendered on the premises.
- (B) Encroachment into public right-of-way. No sign shall encroach into a public right-of-way, except that a blade/bracket sign attached to a building may project a maximum of three feet over a public sidewalk, if the lowest part of the sign is at least eight feet above the sidewalk surface.
- (C) Illumination of signs. The artificial illumination of signs, either from an internal or external source, shall be designed to eliminate negative impacts on surrounding rights-of-way and properties. The following standards shall apply to all illuminated signs:
  - (1) External light sources shall comply with Section 15500 being directed downward or shielded to limit direct illumination of any object other than the sign and be turned off outside of business hours;
  - (2) The light from an illuminated sign shall not be of an intensity or brightness that will create a negative impact on residential properties in direct line of sight to the sign;
  - (3) Signs shall not have blinking, flashing, or fluttering lights, or other illuminating devices that have a changing light intensity, brightness or color;
  - (4) Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices;
  - (5) Reflective type bulbs and incandescent lamps that exceed 15 watts shall not be used on the exterior surface of signs so that the face of the bulb or lamp is exposed to a public right-of-way or adjacent property; and
  - (6) Light sources shall utilize energy efficient fixtures to the greatest extent possible.
  - (7) Bulbs and lamps must be maintained in working order and replaced when broken or burned out.
  - (8) Lighted signs must be "turned off" when establishment is closed.
- (D) Colors. Simple combinations of no more than three (3) colors may be used on the sign face, and must be harmonious with each other and the surroundings.

- (E) Lettering Styles and Sign Coverage. No more than two letter styles are permitted per sign. Letters may not occupy more than 75 percent of any sign panel.
- (F) Measurement of sign area.
- (1) The surface area of a sign shall be calculated by enclosing the extreme limits of all lettering, background, emblem, logo, representation, or other display within a single continuous perimeter composed of squares or rectangles with no more than eight lines drawn at right angles. See Figure 1.

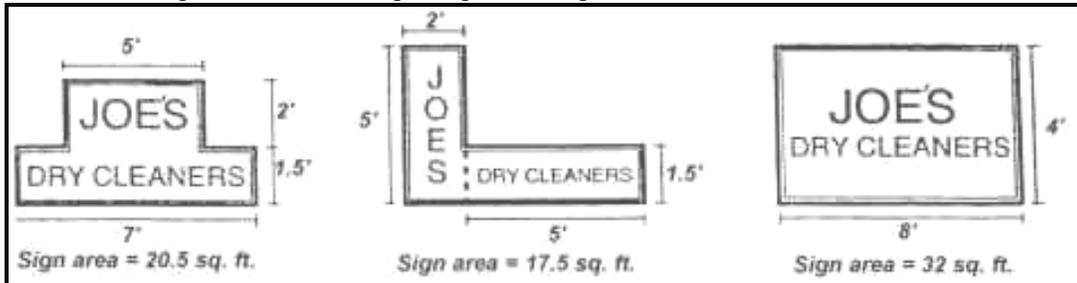


Figure 1 Sign Measurement Area

- (2) Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
- (3) Double-faced (back-to-back) signs shall be regarded as a single sign only if mounted on a single structure, and the distance between each sign face does not exceed two feet at any point. Only one face of an identical double-faced sign shall be measured when determining maximum allowable area.
- (4) Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane. Signs with three-dimensional objects that exceed a projection of six inches from the sign face may be approved in compliance with allowances for Creative Signs.
- (5) Time and temperature devices shall not be included within the measurement of maximum sign area.
- (G) Sign copy: The sign copy (text) of permanent signs shall relate only to the name and/or nature of the business. Permanent signs that advertise continuous sales, special prices, etc. shall not be allowed.
- (H) Alterations: No display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this Article. The repainting of signs shall not be deemed to be an alteration within the meaning of this Resolution.
- (I) Sign maintenance: Signs and supporting hardware, including temporary signs and time/temperature signs shall be structurally safe, clean, free of visible defects, and functioning properly at all times. Visible rot or rust, falling parts, burned out bulbs or broken parts are prima facie evidence that a sign is not in a state of good repair. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.
- (J) Notice to repair: When the Zoning Administrator determines that such a sign exists in a state of disrepair, the Zoning Administrator shall issue to the owner of the sign and the owner of the real estate a notice of such disrepair and the need for corrective action.
- (K) Sign removal or replacement: When a business ceases operation for at least 90 days, the sign shall be removed. The property owner may request a variance to extend this time. When a sign is removed or replaced, all brackets, poles, and other structural elements that supported the sign shall also be removed. Affected building surfaces shall be restored to match the adjacent portion of the structure.
- (L) Appeals: Any individual that believes the requirements of this Article impose an unreasonable burden may request and present a case for a Variance to the Township Zoning Commission. Any action or decision of the Zoning Administrator with respect to Signs, may be appealed through the Township Board of Zoning Appeals as outlined in Article IV Administration and Enforcement.

**Section 11050 – Standards for Specific Types of Signs:**

- (A) Awning and canopy signs. Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied, as follows.
- (1) Location. Signs may be placed only on awnings that are located on first- and second-story building frontages, including those fronting a parking lot or pedestrian way.

- (2) Maximum area and height. No structural element of an awning or canopy shall be located less than eight feet above finished grade. An awning valance shall be located no less than seven feet above finished grade.
- (3) Lighting. Awnings shall not be internally illuminated except as part of a creative sign. Lighting directed downwards that does not illuminate the awning is allowed.
- (4) Required maintenance. Awning and canopy signs shall be regularly cleaned and kept free of dust and visible defects.



Figure 2 Canopy/Awning Sign



Figure 3 Blade/Bracket Sign

(B) Blade/bracket signs.

- (1) Location. Blade or bracket signs shall be placed only on a ground floor facade, except for businesses located above the ground level with direct exterior pedestrian access
- (2) Maximum area and height. The lowest point of a blade or bracket signs shall be at least eight feet above finished grade.
- (3) Sign structure. Sign supports and brackets shall be compatible with the design and scale of the sign.

(C) Changeable copy signs.

- (1) Limitations on use and sign area. Changeable copy signs may only be allowed:
  - (a) In conjunction with facilities used exclusively for educational, religious, governmental, cultural, or theatrical purposes subject to the approval of a comprehensive sign program and limited to a maximum area of twelve (12) square feet; or
  - (b) To advertise gasoline prices.
- (2) Portable changeable copy signs. Portable changeable copy signs are prohibited.

(D) Freestanding bracket signs.

- (1) Location. The sign may be located only on a site frontage adjoining a public street. In any case signs must be located no closer than five (5) feet to the public right of way line.
- (2) Sign mounting. The sign shall be mounted on one or more posts or have a solid monument-type base. Posts shall not have a diameter greater than 12 inches.
- (3) Landscaping requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 20 square feet of sign area = 40 square feet of landscaped area. The Zoning Administrator may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

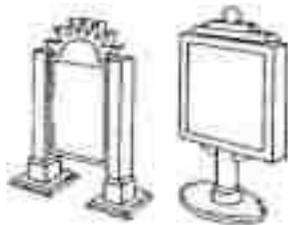


Figure 4 Freestanding Bracket Sign

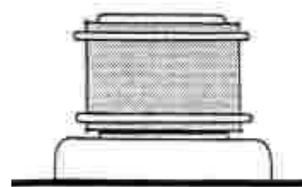


Figure 5 Monument Sign

(E) Monument signs.

- (1) Location - The sign may be located only along a site frontage adjoining a public street. Signs must be no closer than 5 feet to the public right of way line.
- (2) Material -The base of must be constructed of a natural material.
- (3) Design - The design of a monument sign shall be consistent with the overall scale of the building - The design and placement of the sign shall not obstruct traffic safety sight areas.

(4) Landscaping requirements - Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 20 square feet of sign area = 40 square feet of landscaped area. The Zoning Administrator may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

(F) Wall signs.

- (1) Location. The sign shall not be placed to obstruct any portion of a window, doorway, transom, or other architectural detail.
- (2) Projection from wall. The sign shall not project above the edge of the roof of a structure and from the surface upon which it is attached more than required for construction purposes and in no case more than 12 inches in a commercial or industrial district. In a residential district, a wall sign shall not project more than 3 inches.

(G) Cantilever signs.

- (1) Location. The sign may be located along any site frontage adjoining a public street, at least five (5) feet outside of any public road right-of-way.
- (2) Design. The design of a cantilever sign shall be consistent with the overall scale of the building. The design and placement of the sign shall not obstruct traffic safety sight areas.
- (3) Landscaping requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 20 square feet of sign area = 40 square feet of landscaped area. The Zoning Administrator may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

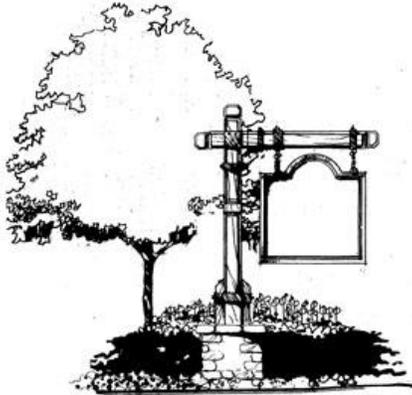


Figure 6 Cantilever Sign

(H) Off-site Advertising / Billboards.

- (1) Location: The sign may be located only in permitted districts and along a site frontage adjoining a public roadway. Signs must be no closer than 5 feet to the public right of way line.
- (2) Design: The design of an outdoor advertising / billboard sign shall be consistent with the overall scale of the building. The design and placement of the sign shall not obstruct traffic safety sight areas.
- (3) Landscaping requirements: Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 20 square feet of sign area = 40 square feet of landscaped area. The Zoning Administrator may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.
- (4) Lighting: No lighted signs.
- (5) Maintenance Requirements: All signs must be maintained

**Section 11100 – Creative Signs:**

- (A) Purpose: This Section establishes standards and procedures for the design, review and approval of Creative Signs. The purposes of this creative sign program are to:
- (1) Encourage signs of unique design, and that exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
  - (2) Provide a process for the application of sign regulations in ways that will allow creatively designed signs that make a positive visual contribution to the overall image of the Township, while mitigating the impacts of large or unusually designed signs.

- (B) **Applicability:** An applicant may request approval of a Sign Permit under the Creative Sign Program to authorize on-site signs that employ standards that differ from the other provisions of this Chapter but comply with the provisions of this Section. For the purposes of this Article, murals shall be considered creative signs and therefore require the submittal of a creative sign permit application.
- (C) **Approval authority:** A Sign Permit application for a Creative Sign shall be subject to approval by the Zoning Administrator or the Architectural Review Board should one become established.
- (D) **Appeals:** Any individual that believes the requirements of this Article impose an unreasonable burden may request and present a case for a Variance to the Township Zoning Commission. Any action or decision of the Zoning Administrator with respect to Signs, may be appealed through the Township Board of Zoning Appeals as outlined in Article IV Administration and Enforcement.
- (E) **Application requirements:** A Sign Permit application for a Creative Sign shall include all information and materials required in Section 11020(C) and the filing fee set by the Township.
- (F) **Design criteria:** In approving an application for a Creative Sign, the Zoning Administrator shall ensure that a proposed sign meets the following design criteria:
  - (1) **Design quality.** The sign shall:
    - (a) Constitute a substantial aesthetic improvement to the site and shall have a positive visual impact on the surrounding area;
    - (b) Be of unique design, and exhibit a high degree of thoughtfulness, imagination, inventiveness, and spirit; and
    - (c) Provide strong graphic character through the imaginative use of graphics, color, texture, quality materials, scale, and proportion.
  - (2) **Contextual criteria.** The sign shall contain at least one of the following elements:
    - (a) Classic historic design style;
    - (b) Creative image reflecting current or historic character of the Township;
    - (c) Inventive representation of the use, name or logo of the structure or business.
  - (3) **Architectural criteria:** The sign shall:
    - (a) Utilize and/or enhance the architectural elements of the building; and
    - (b) Be placed in a logical location in relation to the overall composition of the building's facade and not cover any key architectural features/details of the facade.

**Section 11200 – Prohibited Signs:**

The following signs and types of signs are inconsistent with the purposes and standards of this Article and are prohibited in all zoning districts unless otherwise expressly allowed by the Ohio Revised Code.

- (A) No display signs except those exempted herein, park/recreation sign, church sign, public/private school sign, comprehensive subdivision type signage, and temporary signs shall be permitted in any residential district, excluding parcels occupied by commercial uses in Planned or conditional uses permitted in a residential district
- (B) No Sign shall be placed within any public right-of-way, except by permission of Ohio Department of Transportation (ODOT) or the Union County Engineer
- (C) Flashing, moving, rotating, intermittently lighted signs or other mechanical devices
- (D) Air actuated attraction devices
- (E) Roof signs
- (F) Pole signs
- (G) Portable changeable copy signs except as noted herein
- (H) Electronic variable message signs and portions of signs, and reader boards (not including "time and temperature" signs)
- (I) Billboards and all off-premise signs except for church and institutional directional signs and special event signs provided for herein.
- (J) Any sign blocking visual sight distance from any vehicular intersection, whether public or privately maintained, as determined by the County Engineer's Office. Any sign not included under the types of signs permitted in any district regulations or in this section

**Section 11300 – Temporary Signs Requiring Permits:**

A temporary sign permit is required prior to the erection or construction of any temporary sign listed below. No sign shall contain more than two (2) faces. The maximum square footage allowed for a temporary sign shall apply to each face.

- (A) Subdivision Signs – Signs advertising the sale of platted lots in a subdivision may be erected and displayed in such subdivision provided that not more than one (1) such sign facing on any one (1) street shall be permitted in any subdivision. Such signs may also be used to advertise the sale or lease of multi-family units or store or office space in a commercial development. Such signs shall not be utilized to advertise the sale, lease or development of un-subdivided land. Such signs shall be limited to twenty-four (24) square feet in area, be not more than eight (8) feet in height and be located not closer than fifteen (15) feet from any public right-of-way. Such signs shall be permitted for a one (1) year period or until ownership of at least of sixty (60) percent of the platted lots is transferred.
- (B) Banner Signs – Banner signs may be installed subject to the following requirements:
  - (1) That the size of the banner sign shall not exceed that allowed for a permanent wall sign.
  - (2) That a banner sign may only be displayed for a period not to exceed thirty (30) days in any calendar quarter, and no more than four (4) times per calendar year.
  - (3) That a banner sign shall not be displayed above the roof line of any structure.
  - (4) That a banner sign shall not have more than three (3) colors. For the purpose of this Section, black and white shall be considered colors.
  - (5) For the purpose of this section, advertising signs containing representations of any flag or national, state or local emblem shall be considered as part of the banner sign and not exempt as permitted under Section 11016.
- (C) Bond for Signs over Public Street or Sidewalk – Each temporary sign permit issued for the erection or maintenance of any sign located over a public street or sidewalk shall contain a condition that the permit holder furnishes a bond set by the Township Trustees to hold the Township harmless from liability for injury to third persons.
- (D) Portable Signs – Portable signs shall be limited to unlit signs and shall be permitted for not more than two (2) weeks per year for each business. Such signs shall be not more than four (4) feet high and not more than eight (8) feet wide and mounted such that the overall height is not greater than seven (7) feet above the ground. Portable signs shall not be located in any right-of-way and shall be located such that they do not obstruct the view of motorists for the purposes of ingress and egress.
- (E) Construction Signs – Construction signs announcing the names of contractors, material men, developers, designers and financial institutions participating in the construction of a building shall be permitted only during the actual time of construction and shall be limited to only one (1) sign per building, shall not exceed sixteen (16) square feet in area for a residential project and thirty-two (32) square feet for a non-residential project, shall not exceed four (4) feet in height for a residential project and ten (10) feet in height for a non-residential project, and shall be located no closer than fifteen (15) feet from any public right-of-way. Such signs shall be removed within thirty (30) days after the Certificate of Occupancy is issued.

**Section 11310 – Signs Exempt From Permit Requirements, Permanent:**

Sign permits shall not be required for the signs listed in this Section. These exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site.

- (A) The flag, pennants or insignia of any nation, state, Township, or other political unit or jurisdiction.
- (B) Cornerstones, commemorative tablets and historical signs, not to exceed ten (10) square feet in area.
- (C) Signs bearing only residential property address or names of occupants of residential premises, not to exceed one (1) square foot in area. Signs bearing only non-residential street number, not to exceed one (1) square foot in area.
- (D) Off-site signs that are part of and accessory to bus shelters or transit shelters located in the public right-of-way, or banners attached to streetlights and other similar structures and installed by the Township or in compliance with an agreement with the Township.
- (E) One wall sign on or over a show window or door of a store or business establishment, announcing only the name of proprietor and the nature of the business, not to exceed three (3) square feet in area.
- (F) Signs located in residential neighborhoods that are designated official neighborhood watch areas and limited to two (2) square feet in area.
- (G) Signs located off-site and providing directions to publicly owned facilities or emergency facilities and limited to 12 square feet in area.
- (H) Traffic directional signs indicating points of entry or exit to off-street parking, provided such signs are not larger than four (4) square feet in area. Such signs shall not be located in a public right-of-way and shall not obstruct the view of motorists for the purposes of ingress and egress.

- (I) Window signs not larger than twenty-five (25%) percent of the aggregate window area. For uses that are located in the second or higher floors of a building, window signs shall meet the requirements of this Section.
- (J) A sign(s) located inside a building, provided the sign is not visible from the exterior of the building.
- (K) Signs of a duly constituted government body.
- (L) Elevated signs posted to indicate special parking locations for the handicapped, imprinted with the international symbol of accessibility.
- (M) Flags, pennants, or insignia of any governmental or educational institution.

**Section 11320 – Signs Exempt from Permit Requirements, Temporary:**

Sign permits shall not be required for the signs listed in this Section. These exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site.

- (A) Official and legal notices required by a court or governmental agency.
- (B) Real estate for sale, sold, rental or lease signs limited to no more than four (4) square feet in area, no more than six (6) feet in height, and with one (1) sign per lot. (Properties of less than 20 acres.)
  - (1) Sold signs may be posted for a period not to exceed ten (10) days.
  - (2) A maximum of three (3) off-premise directional signs shall be permitted in conjunction with an open house, not to exceed forty-eight (48) consecutive hours. During the hours of the open house, one additional sign indicating that the house is open will be permitted on the property.
  - (3) For property with a lot size equal to or exceeding twenty (20) acres, real estate for sale, sold, rental or lease signs are permitted to be a maximum of thirty-two (32) square feet in area for any one display area with a total display area not to exceed sixty-four (64) square feet and no more than eight (8) feet in height.
- (C) Signs for the civic promotion of schools, church, or community service activities which may be displayed for a maximum of thirty (30) days.
- (D) Flags, signs and sources of illumination clearly in the nature of decorations customarily associated with any national, state, local or religious holiday, and containing no advertisement.
- (E) One (1) sandwich board shall be permitted for each business location not to exceed four (4) feet in height as measured from the sidewalk and shall not exceed three (3) feet in width per side. Such signs shall be limited to three (3) colors, shall be displayed only during daylight hours and shall not be located on a sidewalk less than six (6) feet in width. Damage to sandwich signs and any liability shall be the responsibility of the owner. Sandwich boards shall be placed in such a way as to leave at least four (4) feet to allow for passage.
- (F) Political signs provided that they are maintained and displayed during a period of time not to exceed thirty (30) days before the election at which such candidacy, question or issue is to be submitted to voters and removed seventy-two (72) hours following such election; that such signs shall not exceed four (4) square feet in total display area and shall not exceed four (4) feet in height above the ground level and shall be displayed behind the property line or streets on which a lot or parcel fronts. The Township may enforce, at its discretion, greater distances to achieve safe view for traffic. Such signs shall not be illuminated nor be erected within any public rights-of-way or easements nor attached in any manner to any utility pole, fence or any other structure within any public rights-of-way.
- (G) Special event signs shall be defined as signs which are used to present knowledge regarding some special event of community importance such as a church or community festival. Such signs shall be considered as temporary signs, do not require a permit before erection but are subject to the following requirements:
  - (1) Not more than two (2) such signs regarding the same topic shall be erected at any given time and located no closer than one thousand (1,000) feet from each other.
  - (2) Such signs shall not impact the traffic sight triangle defined in Section 9026.
  - (3) Such signs shall not be illuminated.
  - (4) Such signs shall not be displayed for a period more than thirty (30) days before the event and shall be removed within forty-eight (48) hours after the event if located in any public right-of-way or within five (5) days if located elsewhere.
  - (5) Flexible type signs such as banners shall be provided with internal air vents to adequately relieve wind pressure.

**Section 11400 – Comprehensive Sign Program, Purpose:**

A comprehensive sign program is intended to integrate the design of the signs proposed for a development project with the design of the structures, into a unified architectural statement. A comprehensive sign program provides a means for defining common sign regulations for multi-tenant projects, to encourage maximum incentive and latitude in the design and display of multiple signs and to achieve, not circumvent, the intent of this Article.

**Section 11410 – Comprehensive Sign Program, Applicability:**

The approval of a comprehensive sign program shall be required whenever any of the following circumstances exist, or whenever an applicant requests the approval of a Comprehensive Sign Program:

- (A) Two or more separate tenant spaces are to be created on the same parcel;
- (B) Five or more non-exempt signs are proposed for a new or existing development; and
- (C) The Zoning Administrator determines that a comprehensive sign program is needed because of special project characteristics (e.g., the size of proposed signs, limited site visibility, a business within a business, the location of the site relative to major transportation routes, etc.).

**Section 11420 – Comprehensive Sign Program, Approval Authority:**

The Zoning Commission must approve a Comprehensive Sign Program prior to issuance of a sign permit by the Zoning Administrator.

**Section 11430 – Comprehensive Sign Program, Application Requirements:**

A sign permit application for a Comprehensive Sign Program shall include all information and materials required in Section 11002, any other additional information required by the Zoning Commission, and the filing fee set by the Township.

**Section 11440 – Comprehensive Sign Program, Standards:**

A comprehensive sign program shall comply with the following standards:

- (A) The program shall comply with the purpose of this Article and the overall intent of this Section;
- (B) The signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the comprehensive sign program, to the structures and/or developments they identify, and to surrounding development;
- (C) The program shall accommodate future revisions that may be required because of changes in use or tenants; and
- (D) The program shall comply with the standards of this Chapter, except that flexibility is allowed with regard to sign area, number, location, and/or height to the extent that the comprehensive sign program will enhance the overall development and will more fully accomplish the purposes of this Section

**Section 11450 – Comprehensive Sign Program Revisions:**

The Zoning Administrator may approve minor revisions to a comprehensive sign program if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new Comprehensive Sign Program.

**Section 11500 – Abandoned Signs:**

If any sign shall become abandoned, in a manner defined herein, such sign is declared a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and creating a blighting influence on nearby properties. An abandoned sign shall be any sign that meets any of the following conditions:

- (A) Any sign associated with the abandoned nonconforming use.
- (B) Any sign that remains after the termination of a business. A business shall be considered terminated if it has ceased operations for at least ninety (90) consecutive days. Seasonal businesses are exempted from this determination.
- (C) Any sign that is not maintained in accordance with Section 11006.

**Section 11510 – Abandoned Signs – Determination of Abandonment:**

When the Zoning Administrator finds, upon investigation, that a sign has been abandoned, the Zoning Administrator shall notify the owner of said sign and the owner of the property upon which such sign is located, of any findings. Such notice shall advise the owner of the sign that said sign has been declared abandoned and must be removed within thirty (30) days from the date of mailing of said notice. The owner of the sign or the owner of the property may appeal such decision to the Zoning Commission as provided in Article IV. The Zoning Administrator shall maintain a photograph of said sign along with a written

report of any finding in a permanent file.

**Section 11520 – Abandoned Signs – Right to Remove:**

If the sign is not removed as ordered, the same may be removed by the Township at the expense of the lessee or owner. If the Township is not reimbursed for the cost of removal within thirty (30) days of such removal, the amount thereof shall be certified to the County Auditor for collection as a special assessment against the property upon which such sign is located.

**Section 11530 – Violations, Penalties and Remedies:**

Any person, firm or corporation violating any requirement or prohibition of this chapter shall be considered in violation of this Code. Failure to comply within thirty (30) days of receipt of notification of violation, unless extended by the Zoning Administrator, shall render such person, firm or corporation subject to the penalties provided in Article IV.

## **ARTICLE XII – PARKING AND STORAGE OF VEHICLES**

### **Section 12000 – Purpose:**

The purpose of this article is to promote traffic safety by minimizing conflicts between pedestrians, vehicle movement and parking. Furthermore it is intended to provide for adequate parking facilities in all land uses, to reduce environmental nuisance from dust, and to prevent nuisance and conflicts between uses that abut parking and loading facilities. Nothing in this section shall be deemed to prohibit the parking of agricultural vehicles which are being used in conjunction with the agricultural use of the property where the agricultural vehicle is parked.

### **Section 12010 – General Requirements for Off Street Parking – Residential Use:**

Off-street parking shall be required on any lot with a dwelling unit. Off-street parking in this section is meant to include driveways and other areas used or designated as parking spaces. No building or structure shall be erected, substantially altered, or its use changed in any zoning district except for agricultural uses without providing off street parking and or loading spaces. A valid driveway permit issued by the Union County Engineer is required for the installation of any driveway or off-street parking and / or loading area.

### **Section 12011 – Minimum Construction Standard – Residential Use:**

The following materials are approved for use in the construction of any residential driveway or off-street parking area.

- (A) 8” crushed aggregate base, or
- (B) 2” asphalt concrete over a 6” crushed aggregate base, or
- (C) 6” concrete (reinforcing recommended)

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

### **Section 12012 – Minimum Construction Standard – Commercial / Industrial / Office Use:**

All parking and loading areas must be constructed of concrete or asphalt.

### **Section 12013 – Requirement to Bring Non-Conforming Uses into Compliance:**

If any additions or alterations are made to an existing building or property that require additional parking, any and all existing parking and loading spaces must also be renovated to comply with this Article.

### **Section 12014 – Parking and/or Loading Area Maintenance:**

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

### **Section 12020 – Parking and Storage of Inoperable Motor Vehicles:**

No person shall park or keep an inoperable motor vehicle in any Zoning District. As used in this section "park or keep an inoperable motor vehicle" shall mean the storing, maintaining, collecting, depositing, reserving, allowing to stand, or permitting to remain, one or more inoperable motor vehicles at any place other than in an enclosed garage.

For purposes of this section, a motor vehicle shall be deemed inoperable when any of the following conditions exist:

- (A) One or more wheels are missing;
- (B) One or more tires are missing;
- (C) Two or more tires are flat;
- (D) One or more windows are missing or broken;
- (E) The windshield is shattered or missing;
- (F) Parts necessary for the operation of the vehicle are missing; or
- (G) A license with a distinctive number and valid for the current year is not displayed thereon.

**Section 12030 – Parking and Storage of Commercial Motor Vehicles and Trailers:**

The parking and storage of commercial motor vehicles is permitted within any Zoning District which permits residential dwellings as set forth in Sections 12030 through 12033. For purposes of these sections, "commercial vehicle" means any vehicle used or designed to be used for business or commercial purposes including a bus, cement truck, commercial tree-trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, stake bed truck, step van, tank truck, tar truck or other commercial-type vehicle licensed by the Ohio State Bureau of Motor Vehicles as a commercial vehicle or truck and which is associated with the property owner's employment.

**Section 12031 – Commercial Motor Vehicles & Trailers on Lots Less Than 5 Acres**

On any property which is less than 5 acres in size, the property owner may park one commercial vehicle inside an enclosed garage provided the garage is no taller than nine feet in height. Any commercial motor vehicles and/or trailers which meet the above criteria must be stored inside a garage or other accessory structure.

**Section 12032 – Commercial Motor Vehicles & Trailers on Lots 5 Acres or More**

On any property which is greater than 5 acres in size, the property owner may park one commercial vehicle behind the front building line. The parking and storage of a commercial motor vehicle and/or trailer shall be prohibited forward of the front building line.

**Section 12033 – Commercial Motor Vehicles & Trailers – Hazardous Materials**

The parking and/or storage, in any District, of a vehicle that is placarded for the transport or storage of hazardous material is strictly prohibited.

**Section 12034 – Parking and Storage of Recreation Vehicles:**

The parking or storage, within any District, of any recreational vehicle, to include but not limited to, boats, campers, RVs, jet skis and any trailers, shall be prohibited forward of the front building line.

**Section 12035 – Parking and Storage of Landscaping and Construction Equipment:**

The parking and storage of landscaping and construction equipment (including but not limited to lawn mowers / earth moving and grading equipment, etc.) must be stored inside a structure that is enclosed on at least three sides so as not to be visible from the roadway or have proper landscaping and buffering between property lines cannot park forward of the front building line unless there is active construction on the property

**Section 12100 – Location of Parking:**

The following regulations shall govern the location of off-street parking spaces and areas:

- (A) Parking spaces for all detached residential Uses shall be located on the same lot as the use which they are intended to serve;
- (B) Parking spaces for commercial, industrial, or institutional uses shall be located not more than 700 feet from the principal use.
- (C) Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than 300 feet from the principal use.

**Section 12110 – Minimum Distance and Setbacks:**

No part of any parking area for more than five (5) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care located on an abutting or adjoining lot, unless separated by a solid wood privacy fence or other approved constructed screen of between four (4) and six (6) feet in height. If on the same lot with a single family residence and consisting of a lot area of less than one and one-half (1 ½) acre, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right of way.

**Section 12112 – Requirement for the Installation of Wheel blocks:**

Whenever a parking area extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

**Section 12120 – Access:**

The frequency of access points along thoroughfares in Millcreek Township is to be minimized to reduce vehicle and pedestrian conflict and improve traffic flow. Access drives (driveways) leading to and from a street shall be developed according to the standards required by the Union County Subdivision Regulations:

- (A) Side Lot Lines. An access drive, exclusive of curb returns, shall be located no less than ten (10) feet from the side lot line, except that an access drive for a residential use may be within three (3) feet of a side lot line. Access drives for any uses utilizing a common drive may be adjacent to and intersecting with a side lot line.
- (B) Quantity Permitted. The number of access drives shall be kept to a minimum to promote safe and reasonable access, improve the convenience and ease of movement of travelers, and permit reasonable speeds and economy of travel while maintaining roadway capacity.

**Section 12210 – Paving of Parking & Loading Areas – Non-Residential:**

The required number of parking and loading spaces, together with driveways, aisles, and other circulation areas, shall be surfaced with concrete, asphaltic concrete, premixed asphalt pavement, blacktop, or brick so as to provide a durable and dustless surface. Off-street parking area designs shall be reviewed and approved by the Zoning Administrator prior to issuance of a Certificate of Zoning Compliance. All access driveway aprons shall be graded for proper drainage and surfaced with concrete. Access driveway and apron designs shall be reviewed and approved by the Zoning Administrator prior to construction.

**Section 12220 – Drainage of Parking & Loading Areas:**

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

**Section 12230 – Maintenance of Parking & Loading Facilities:**

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

**Section 12240 – Lighting in Parking & Loading Areas:**

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property and shall provide not less than two and one-half (2 ½ ) foot candles at the paved surface. See also Section XV.

**Section 12250 – Parking Space Dimensions:**

All parking spaces shall conform to the following minimum rectangular dimensions. All dimensions shall be exclusive of driveways, aisles, and other circulation areas.

- (A) Ninety (90) Degree Parking: Not less than nine (9) feet in width and nineteen (19) feet in length
- (B) Parallel Parking: Not less than nine (9) feet in width and twenty-three (23) feet in length
- (C) Sixty (60) Degree Parking: Not less than ten (10) feet in width and nineteen (19) feet in length
- (D) Forty-five (45) Degree Parking: Not less than twelve (12) feet in width and nineteen (19) feet in length

**Section 12260 – Schedule of Parking Spaces:**

The minimum number of off-street parking spaces, exclusive of ADA requirements, shall be as set forth in the following schedule. For uses not specifically named herein, the requirement shall be the same as required for a listed use similar in nature, as determined by the Zoning Administrator.

USE	REQUIRED PARKING SPACES
Automobile service station	1 for each 3 pumps plus 1 for each service bay
Automobile repairs	1 for each 300 sq. ft. of gross floor area
Assembly hall, club room, place of amusement or similar place of assembly without fixed seating	1 for each 250 sq. ft. of gross floor area used by the public (Changed from 1,000)
Banks, savings and loans, business and administrative offices	1 for each 400 sq. ft. of gross floor area
Bed and breakfast inns	1 for each guest room
Bowling alleys, tennis courts or similar place	1 for each alley, court or similar activity area

USE	REQUIRED PARKING SPACES
of intensive public activity	
Business, technical and trade school, college and university	1 for each 3 students
Business and Professional Offices not elsewhere specified	1 for each 200 sq. ft. of office space
Dance halls and assembly halls without fixed seats, exhibition halls except church assembly rooms in conjunction with auditorium	1 for each 250 sq. ft. of gross floor area used for assembly or dancing
Day care centers, children's nurseries and pre-schools	2 for each classroom but not less than 5 per center
Drive-up window service or fast-food restaurants, with seating,	1 for each 150 sq. ft. of gross floor space
Drive-up window service or fast-food restaurants, without seating	1 for each 250 sq. ft. of gross floor area
Driving range	1 for each 2 playing locations
Dwellings, Other than multi-family	2 for each dwelling unit
Dwellings, Multi-Family	2 for each dwelling unit
Eating and drinking establishments with no drive-up window service	1 for each 100 sq. ft. of gross floor space
Electronic products store – retail	1 for each 500 sq. ft. of gross floor space
Funeral homes, mortuaries	1 for each 150 sq. ft. of floor area in slumber rooms, parlors, or service rooms
Furniture and appliance stores, household equipment or furniture repair shop	1 for each 400 sq. ft. of gross floor area
Golf course	2 for each hole plus 1 space for each 2 employees on combined work shifts
Health care maintenance and emergency services	1.5 for each treatment room plus one for every employee on the largest shift
Hospitals	.5 for each bed
Indoor swimming pool or natatorium	1 for each 5-person capacity (1 person/1,000 gallons of pool capacity) plus 1 for each 4 seats or 30 sq. ft. of seating floor area
Indoor sales exclusively of motor vehicles, aircraft, watercraft, lumber, plants and furniture	1 for each 1,000 sq. ft. of sales area
Libraries, museums or art galleries	1 for each 500 sq. ft. of gross floor area
Manufacturing, warehousing, wholesaling, or similar establishments	1 per 1,000 sq. ft. of gross building area
Medical and dental offices and clinics	1 for each 200 sq. ft. of gross floor area
Miniature golf course	2 spaces for each hole plus 1 for each 2 employees on combined work shifts
Motels and hotels (not including restaurant facilities)	1 for each living or sleeping unit plus one space for each two employees
Outdoor display and sales	1 for each 1,000 sq. ft. of display area
Outdoor swimming pool	1 for each 5-person capacity (1 person/500 gallons) plus space for supplementary uses
Personal services such as barber shop or beauty shop	1 space for every chair plus 1 space for each employee (increased from 1)
Personal and Consumer Services not elsewhere specified	1 for each employee plus 1 for each 400 sq ft of office space
Recreational uses not elsewhere specified	1 for each 3 patrons plus 1 space for each 2 employees
Restaurants and bars	1 for each 100 sq. ft. of gross floor area
Retail sales or services not elsewhere specified	3 for first 1,000 sq. ft. plus 1 for each additional 500 sq. ft. of gross floor area
Sanitariums, convalescent homes, children's homes	1 for each 2 beds
Schools, Elementary and Middle	1 for each teacher and staff member, plus 1 for each student up to three (3) percent of the student body
Schools, High	1 for each 3 students
Service-related uses such as printing or plumbing shops	1 for each 2 employees plus 1 for every 2 vehicles used for service or delivery
Shopping centers including supermarkets	3 for each 1,000 sq. ft. of gross floor area
Sports arenas, auditoriums, theaters, assembly halls, churches, or similar place with fixed seating	1 for each 4 seats
Video rental store	1 for each 300 sq ft of gross floor area

**Section 12261 – Calculation of Parking Spaces**

Where two (2) or more uses are provided on the same lot, including principal and supplementary uses, the total number of spaces required shall be reduced. In order to determine the number of parking spaces required, take the sum of the individual requirements and multiply by (0.75).

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Commission shall be filed with the application before a certificate of occupancy is issued.

The calculation of parking spaces shall be to the next highest whole number where a fractional space results. Whenever a building or use is constructed or enlarged in gross floor area, by number of employees, by number of dwelling units, by seating capacity or otherwise after the effective date of this Zoning Code such as to create a requirement under this chapter for an increase of thirty (30) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

**Section 12300 – Loading Space Requirements and Dimensions:**

The loading space shall consist of a rectangular area of one (1) of the following classes:

Class A: An area at least fourteen (14) feet by fifty-five (55) feet having a vertical clearance of fifteen (15) feet or more, plus adequate area for ingress and egress.

Class B: An area at least twelve (12) feet by thirty (30) feet having a vertical distance of fifteen (15) feet or more, plus adequate area for ingress and egress.

**Section 12310 - Schedule of Loading Spaces:**

Loading space shall be provided for retailing, wholesaling, warehousing, processing, hotel, hospital, goods display, and similar uses requiring the receipt or distribution by vehicles of material or merchandise in accordance with the following schedule:

<b>BUILDING AREA (square feet)</b>	<b>REQUIRED CLASS</b>
Less than 750	None required
750 to 1,499	1 Class B
1,500 to 2,499	1 Class A or 2 Class B
2,500 to 9,999	1 Class A and 1 Class B or 3 Class B
10,000 to 49,999	1 Class A and 1 Class B or 3 Class B, plus 1 Class A for each 10,000 sq. ft. over the first 10,000 sq. ft. of area
More than 50,000	1 Class A for each 10,000 sq. ft. over the first 10,000 sq. ft. of area, plus 1 Class A for each 25,000 sq. ft. over the first 50,000 sq. ft.

## ARTICLE XIII – LANDSCAPING, FENCES, WALLS & HEDGES

### **Section 13001 – Purpose:**

The goal of this Article is to preserve and promote landscaping as a suitable and necessary aspect of land development, as a component of the development of Township character, as an important beneficial element of the microclimate through the provision of shade and as buffers, and to promote the public health, safety and general welfare. It is further the purpose of this Article to promote the preservation and replacement of major trees removed in the course of land development, to promote the property utilization of landscaping as a buffer between certain land uses to minimize conflicts, and to protect, preserve and promote the character of the Township.

### **Section 13002 – Application:**

No zoning permit(s) shall be issued hereafter for any site development plan within any planned district or the construction or improvement of any building, structure or vehicular use within any planned district except where landscaping for such development, construction has been approved as required by the provisions of this article.

### **Section 13003 – Minimum Landscaping Requirements:**

This section describes the minimum requirements that shall be met in regards to perimeter landscaping for non-compatible land use areas landscaping for service areas and interior landscaping for businesses, buildings, structures or other new developments of land.

(A) **Perimeter Landscaping Requirements:** Unless otherwise provided, landscaping material shall be installed to provide a minimum of fifty percent (50%) winter opacity and a seventy five percent (75%) summer opacity, between one foot above finished grade level to the top of the required planting, hedge, fence, wall or earth mound within four years after installation. The required landscaping shall be provided either in easements in certain zones or adjacent to vehicular use area. For purposes of this Article XIII, “opacity” shall mean the required percent of visual screening from adjacent properties in a vertical plane extending from the established grade to six feet unless otherwise specified herein.

(1) **Property Perimeter Requirements:**

A. When the Following:	B. Adjoining the Following (or Vice Versa):	C. The minimum landscaping within a buffer zone of this average width (with 3 ft. as the least dimension:	D. Which will contain at least this material to achieve the required opacity <sup>1,2</sup> .
1. Any Residential Zone	Any Office Use	20 ft. adjacent to all common boundaries except street frontage	1 tree/40 ft. of lineal boundary, OFT, plus a continuous 6 ft. high planting, hedge, fence, wall or earth mound.
2. Any Residential Zone	Any Commercial Use	30 ft. located as above (1-C)	Same as 1-D above.
3. Any Residential Zone	Any Industrial Use	40 ft. located as above (1-C)	Same as 1-D above.
4. Any Office or Commercial Use	Any Industrial Use	20 ft. located as above (1-C)	Same as 1-D above.
5. Any Zone except Agricultural Zones	A Freeway or Arterial Street	40 ft. for residential zones and 20 ft. for all other zones adjacent to freeway or arterial street	1 tree / 30 ft., OFT plus continuous 6 ft. high planting, hedge, wall, fence or earth mound.
6. Any Zone except Agricultural or Industrial Zones	Railroad	Same as 5-C above	Same as 5-D above
7. Any property boundary, including road or street rights of way	Utility Sub-Station	40 ft. adjacent to all boundaries except only 5 ft. for utility substations measured adjacent to the enclosure	Same as 5-D

(2) **Vehicular Use Area Perimeter Requirements:**

<sup>1</sup> Grass or ground cover shall be planted on all portions of the easements not occupied by other landscape material.

<sup>2</sup> “OFT” means “or fraction thereof”. Trees do not have to be equally spaced, but may be grouped.

A. When the Following:	B. Adjoins the Following (or Vice Versa):	C. The minimum landscape easement of this width is required:	D. Which will contain this material to achieve opacity required <sup>3, 4, 5</sup> .
1. Any property in any zone	Any vehicular use areas on any adjacent property	6 ft. minimum to all trees from edge of paving where vehicles overhand and 3 ft. strip that prohibits any vehicular overhand for other areas, adjacent to planting, point of vehicular use area that faces building adjacent to property	1 tree / 40 ft., OFT, boundary of vehicular area plus a 3 ft. average height continuous hedge or earth mound.
2. Any public or private street right-of-way or service road, except freeways	Any vehicular use area	Same as 1-C above, except applies to portion of vehicular use area facing public or private street or road	1 tree / 40 ft. OFT, plus a 3 ft. average height continuous planting, hedge, or earth mound.

- i. Landscape Buffer Zone: The landscape buffer zone and material required adjacent to any street under this Article shall be provided by the property owner adjoining the street, unless the authority building the street has fully met all requirements on the street right of way. When adjacent to other common boundaries, the landscape buffer zone and materials:
  - (a) May be placed on either adjoining parcel, or astride the boundary, if both owned and being processed by the same owner; or
  - (b) Generally be placed on the activity listed under Property Perimeter Requirement Chart, Column B and Vehicular Use Area Perimeter Chart, Column B when adjoining parcels have different owners; or
  - (c) May be placed astride the boundary of adjoining parcels having different owners if a written agreement signed by both owners, is filed with the Township Zoning Office, as a public record; or
  - (d) Shall be placed on the activity or parcel being processed when adjoining property is already developed with the exception of Property Perimeter Requirement Chart and; or
  - (e) Shall not be required along the common boundary if the requirements of this Article have been fully complied with on the adjoining property.
- ii. Requirements Conflicts: Whenever a parcel or activity falls under two or more of the categories listed in the tables the most stringent requirements shall be enforced.
- iii. Landscape, Buffer Zone Conflicts: The required landscape buffer zone may be combined with a utility or other easement as long as all of the landscape requirements can be provided in addition to, and separate from, any other easement. Cars or other objects shall not overhang or otherwise intrude upon the required landscape buffer zone more than two and one-half feet, and wheel stops or curbs shall be required.
- iv. Existing Landscape Material: Existing landscape material shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the public approval authority, such material meets the requirements and achieves the objectives of this Article.
- v. Landscaping at Driveway and Street Intersections: To insure that landscape materials do not constitute a driving hazard, a sight triangle shall be observed at all street intersections or intersections of driveways with streets. Within this sight triangle, no landscape material nor parked vehicles, except for required grass or ground cover, shall be permitted. Within this sight triangle, trees shall be permitted as long as, except during the early growth stages, only the tree trunk is visible between the ground and eight feet above the ground, or otherwise does not present a traffic hazard. The sight triangle is defined in the following sections. The Zoning Administrator shall notify the property owner and/or neighborhood association of the need to trim or remove trees to maintain the required site triangle. Should the property owner and/or neighborhood association fail to maintain the site triangle, the Township may trim or remove trees as appropriate and seek reimbursement from the property owner and/or neighborhood association.

<sup>3</sup> A vehicular use area (VUA) is any open or unenclosed area containing more than 1,800 sq. ft. of area and/or used by six or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, mobile home parkings, and sales and service areas. Driveways are considered to be vehicular use areas whenever they are adjacent to public streets or roads or other vehicular use elements described previously in this paragraph, and where intervening curbs, sidewalks, landscape strips, etc. do not eliminate adjacency.

<sup>4</sup> Grass or ground cover shall be planted on all portions of easements not occupied by other landscape material.

<sup>5</sup> "OFT" means "or fraction thereof."

- (a) Driveway Intersections Triangle: At intersection of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb or edge with the driveway edge, and by measuring from this point and a distance of ten feet along the driveway to a point and a distance of twenty feet along the street curb to a point and connecting these points.
  - (b) Street Intersection Sight Triangles: At the street intersections, the sight triangle shall be formed by measuring at least thirty-five (35) feet along curb lines or edge of pavement and connecting these points.
- vi. Interior Landscaping for Vehicular Use Areas: Any open vehicular use area, excluding loading, and unloading and storage areas in an industrial zone or business zone, containing more than six-thousand (6,000) square feet of area, or twenty or more vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping may be peninsular or island types.
  - (a) Landscape Area: For each 100 square feet or fraction thereof, of vehicular use area, a minimum total of ten square feet of landscaped area shall be provided.
  - (b) Minimum Area: The minimum landscape area permitted shall be 100 square feet with a five foot minimum distance to all trees from edge of pavement where vehicles overhang.
  - (c) Contiguous Area: In order to encourage the required landscaped areas to be properly dispersed, no individual areas shall be larger than 350 square feet in size, and no individual area shall be larger than 1,500 square feet in vehicular use areas over 30,000 square feet. In both cases, the least dimension of any required area shall be five feet minimum dimension to all trees from edge of pavement where vehicles overhang. Individual landscape areas larger than above are permitted as long as the additional area is in excess of the required minimum total.
  - (d) Minimum Trees: The following minimums are required, based upon total ground coverage of structures and vehicular uses areas. One (1) tree of no less than two (2) inches for every six (6) parking spaces shall be provided. All trees shall be bailed and burlapped or containerized / potted when planted. The top eighteen (18) inches of the burlap bad and cage shall be removed when planting. Planting beds for parking lot trees shall be constructed so as to minimize damage to trunks and roots of the trees from vehicles, pedestrians and parking lot maintenance through the use of adequate soil planting area and curbing or parking blocks. Planting soil area per tree shall be a minimum of sixteen (16) square feet. The minimum dimension for the planting areas shall be four (4) feet on one side. All trees shall be maintained in a healthy condition.
  - (e) Vehicular Overhang: Parked vehicles may hang over the interior landscaping area no more than two and one-half feet, as long as concrete or other wheel stops are provided to insure no greater overhang or penetration of the landscape area.
- vii. Landscaping for Service Structures: Any service structure, accessory use, shall be screened whenever located in any residential zone, commercial zone, or when located on property abutting any residential zone) freeway or arterial street prohibiting driveway access. Structures may be grouped together; however, screening height requirements shall be based upon the tallest of the structures.
  - (a) Location of Screening: A solid wall or fence shall enclose any service structure on all sides, unless such structure must be frequently moved, in which case a gate shall be permitted on one side. The fence or the wall shall be the same or similar materials as the same building. The average height of the screening material shall be one foot more than the height of the enclosed structure, but shall not be required to exceed ten feet in height. Whenever a service structure is located next to a building wall, perimeter landscaping material or vehicular use area landscaping material, such walls or screening material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. In addition to the wall or fence, such service structure shall be surrounded by some landscaping material.
  - (b) Curbs to Protect Screening Material: Whenever screening material is placed around any trash disposal unit or waste collection unit which is emptied or removed mechanically on a regular occurring basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved.

- viii. Interior Landscaping For All New Developments: All new developments regardless of type and all alterations or expansions to existing developments shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping shall consist primarily of new tree planting or the preservation of existing trees or hedges within the development site.
- (a) Preservation of Existing Landscape Materials: All trees having a trunk diameter of six inches or greater as measured twenty-four inches from ground level shall be preserved unless such trees are exempted as follows:
  - (b) Trees within public rights of way or utility easements, or a temporary construction easement approved by the County Engineer.
  - (c) Trees within the ground coverage of proposed structures or within twelve feet of the perimeter of such structure.
  - (d) Trees within the driveway access to parking or service areas or proposed areas to service a single family-home.
  - (e) Trees that in the judgment of the Township Authority are damaged, diseased, over mature, which interfere with utility lines or are an inappropriate or undesirable species for that specific location.
  - (f) It is encouraged that exempted trees subject to destruction be preserved by relocating and replanting of such trees.
  - (g) It is encouraged that efforts be made to preserve natural vegetation areas. Consideration shall be given to laying out streets, lots, structures and parking areas to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens. It is further encouraged that whenever possible, heavily wooded areas be designated as park reserves.

Tree Planting Requirements: For all new development the following landscape requirements shall apply:

Use:	Requirements:
PRD	There shall be tree plantings equal to one inch in tree trunk size for every 100 square feet in ground coverage by a structure. Such plantings shall be required within the property lot lines of each structure.
PCD / PTC	In addition to the requirements of 13.03(A)(2) regarding vehicular use areas, the following shall apply: There shall be landscaped areas equal to 20 feet for every 1,000 square feet of building ground coverage area, or fraction thereof. Such landscaping areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other material designed and located in a manner complimentary to the overall architecture to the surrounding buildings.
PID	In addition to the requirement of 13.03(A)(2) regarding vehicular use areas, the following shall apply: There shall be tree plantings equal to one inch in tree size for every 2,00 square feet of building ground coverage, or fraction thereof.

- (h) Parking Lots: see Section 23.03(B) hereof.
- (i) No new tree planting shall be required if existing trees and the aggregate trunk sizes of such trees meet or exceed the requirements as set forth in this Article and providing that such trees are evenly distributed throughout the developed area and not confined either to out-of-the-way dense clusters or to the perimeter of the developed area. The minimum tree size for such tree plantings shall be no less than two inches in trunk diameter.
- (j) For new development or construction, if new tree plantings are required for conformance to the landscaping requirements of this Article, the applicant or owner shall indicate on the landscape plan the location and size of such tree plantings. If such trees landscape plan is approved, the applicant or owner shall plant such trees as may be required within one year or the next planting season after issuance of a zoning permit.

**Section 13004 – Street Tree Planting Requirements:**

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

- (A) Requirements: It shall be required that all sub-divider or developers plant trees along public streets of their developments in such a manner, type, quantity and location as approved by the Zoning Commission and as defined by the following

conditions, and that any undeveloped street or existing street with undeveloped frontage shall conform to these requirements at the time of development.

- (1) The tree to be planted is not an undesirable tree species, as listed on the Township's Public Tree Program.
  - (2) The minimum spacing between this and other trees is forty-five feet for large tree, thirty-five (35) feet for medium tree and twenty-five (25) feet for a small trees. See definitions below.
  - (3) The tree location is to be at least twenty (20) feet from street intersections and ten (10) feet from fire hydrants or utility poles.
  - (4) A small tree is to be used when planting under or within ten (10) lateral feet of overhead utility wires. A small or medium tree is to be used when planting within ten (10) or twenty (20) lateral feet to overhead utility wires.
  - (5) The developer shall be required to maintain the trees for three years after the trees are planted and to replace any tree which dies within such one year guarantee period. Upon completion of a tree planting, the landscape contractor shall contact the Township Zoning Department for a preliminary inspection. The guarantee period shall begin after approval of the Zoning Department. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the Zoning Administrator, shall be promptly replaced at the expense of the developer.
  - (6) The trees will be as approved by the Zoning Commission according to the approved tree list. A mix of species is required.
  - (7) The minimum trunk caliper measured at six (6) inches above the ground for all street trees shall be no less than two inches.
  - (8) The maximum spacing for large trees shall be fifty (50) feet, for medium trees, forty (40) feet and thirty (30) feet for small trees.
- (B) Tree Topping: No person shall, as a normal practice, top any tree within the public right of way. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or trees under utility wires or other obstructions where other pruning practices are impractical are hereby exempted from this Subsection.
- (C) Height of Limbs Over Sidewalks and Streets: Tree limbs extending over a sidewalk shall be trimmed to such an extent that no portion of the same shall be less than seven (7) feet above sidewalks. Tree limbs extending over streets shall be trimmed to such an extent that no portion of the same shall interfere with normal traffic flow.
- (D) Reducing Tree-Lawn: No person shall by any type of construction reduce the size of the tree-lawn without first obtaining permission from the Zoning Commission.
- (E) Violations: A person who removes, damages or causes to be removed a public tree (including by interference with the tree's drip line) from the tree-lawn or other public place shall be required to replace the tree at his expense, with a tree or tree(s) having the same number of inches of tree trunk size equally the tree that was removed or damaged. No tree installed as a replacement tree shall have less than a minimum diameter of two (2) inches.
- (F) Definitions:
- (1) Large Tree: means any tree species which normally attains a full grown height in excess of fifty (50) feet.
  - (2) Medium Tree: means any tree species which normally attains a full growth height of between twenty-five (25) and fifty (50) feet.
  - (3) Small Tree: means tree species which normally attains a full-growth height of under twenty-five (25) feet.
  - (4) Drip Line: The area directly located under the outer circumference of the tree branches. The feeder roots of a tree usually extend to this line and receive water that drips off the canopy above.

#### **Section 13005 – Landscape Materials:**

- (A) Plants: All plant materials shall be living plants that conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations. Artificial plants are prohibited in all landscaped areas in the Township required as per this chapter.
- (B) Deciduous Trees: Deciduous trees shall be species have an average mature crown spread of greater than fifteen (15) feet in Central Ohio and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where eight (8) foot clear wood requirements will control. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of

the same so as to create the equivalent of a fifteen (15) foot crown spread. Deciduous trees shall be a minimum of five (5) feet in height and two inches in trunk diameter at planting.

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

(D) Earth Mounds: Earth mounds shall be physical barriers, which when planted block or screen the view just as a hedge or low wall would. Mounds shall be constructed of clean fill, topsoil and similar materials, and shall be designed with proper plant material to prevent erosion and facilitate drainage. Earth mounds shall not exceed four (4) feet in height and shall be planted completely by plant material which may include mulching limited to the immediate base of plantings, of which no greater than fifty percent shall be turf. Earthen mounds shall have a maximum slope of three to one or three feet horizontal space is required for each one-foot vertical change in elevation. The crest or top of the mound shall be rounded with elevation changes maintained one foot off of the centerline of the mounds.

**Section 13006 – Plan Submission and Approval:**

Whenever any property is affected by these landscaping requirements, the property owner or developer shall prepare a landscape plan. Where such plans are part of an application for rezoning, variance, conditional use or other matters which must be approved by the Township Zoning Commission or Township Board of Zoning Appeals, such plans shall be submitted as part of the required application and other required plans. All other landscape plans shall be approved by the Township Zoning Department.

(A) Plan Content: The contents of the plan shall include the following:

(1) Plot plan, drawn to an easily readable scale no smaller than one inch equal twenty feet; showing and labeling by name and dimensions, all existing and proposed property lines, easements, buildings and other structures, vehicular use areas including parking stalls, driveways, service areas square footage, etc., location of structures on adjoining parcels, water outlets and landscape materials, including botanical names and common names, installation sizes, on center planting dimensions where applicable, and qualities for all plants used and all existing trees:

(2) Typical elevations and/or cross sections as may be required.

(3) Title block with the pertinent names and addresses, property owner, person drawing plan, scale, date, north arrow, general orient plan so that north is to top of plan and zoning district.

(B) Zoning Permit: Where landscaping is required, no zoning permit shall be issued until the required landscaping plan has been submitted and approved and a performance bond, or irrevocable letter of credit from a banking institution registered in the State of Ohio, has been posted.

(C) Posting of Bond or Irrevocable Letter of Credit: After an irrevocable letter of credit has been posted, the landscaping material required in the approved landscaping plan shall be installed within six months after the date of posting the bond or irrevocable letter of credit. A one month extension of the planting period may be granted by the Zoning Department upon a demonstration by the property owner or developer that such an extension is warranted because of adverse weather conditions or unavailability of required plant material. No more than three such one month extensions may be granted. Proceedings shall be brought against the performance bond or irrevocable letter of credit if the required landscaping plans have not been complied with by the end of the approved planting period.

## **SECTION 13600 – FENCES**

### **Section 13601 – Purpose:**

The purpose of this section is to establish regulations controlling the location, installation and standards for fences in order that a property owner may construct a fence which retains the privilege of privacy, allows attractive landscape design, or offers reasonable security while assuring that such fences are located and constructed to respect the rights and enjoyment of neighboring property owner, the appearance of the community, and the overall health, safety, and public welfare of its residents.

This section sets forth regulations pertaining to the location, installation and standards for new fences in all zoning districts in the Township. Any fence erected prior to the date of this section, which does not comply with these regulations, shall be nonconforming. However, the Zoning Administrator may order appropriate remedial measures to alleviate any hazardous conditions related to any fence, whether newly constructed following adoption of this section, or constructed prior to the adoption of this section, whether conforming or nonconforming, when the Zoning Administrator determines that such condition, without immediate remedial measures jeopardizes the health and safety of nearby residents or occupants.

### **Section 13610 – Fence Standards:**

General fence standards for all Zoning Districts (except for agricultural uses) shall be:

- (A) No barbed wire fence or similar sharp point fence shall be constructed, erected or maintained in any district except for agricultural uses.
- (B) Electrically charged fences shall be forbidden in all districts except on sites used to confine livestock.
- (C) All fences shall be maintained in good condition, be structurally sound and attractively finished at all times. Any ground between the fence and property line shall be well maintained.
- (D) Fences on parcels that abut on an improved right-of-way must include landscaping consisting of planting beds, shrubs and/or trees along the side that is visible from the improved right of way/
- (E) All fences and walls must present the finished non-structural face outward.
- (F) No fence or wall may be placed such they interfere with street level sight visibility for a distance of 50 from any approach to an intersection. No fence or wall shall be permitted to encroach upon public rights-of-way or easements.
- (G) Mesh wire fence shall be permitted if incorporated into or an integral part of a wood rail fence.
- (H) All fences must be constructed in front of any property line and/or easement.
- (I) Fences cannot be constructed beyond the front building line unless said fence is a “decorative fence” as defined in Definitions Article of this Resolution.
- (J) All fences on a parcel shall have a unified style.
- (K) Guard rails shall not be used as fencing.

### **Section 13620 – Fence Standards for Residential Districts:**

- (A) Front yards: All front yard fences require a Fence permit. In front yards only the following fences shall be permitted unless otherwise prohibited by deed restrictions:
  - (1) Decorative fences to a maximum height of three (3) feet provided that said fence complies with Standards otherwise found in Section X.
  - (2) Open fences designed to only partially enclose an area. An example of this would be a short length of white picket fencing incorporated into a landscape treatment along a walkway to a porch.
- (B) Side and rear yards: The following shall be permitted unless prohibited by deed restrictions:
  - (1) Chain link fences to a maximum height of four (4) feet.
  - (2) Fences to a maximum height of six (6) feet, including privacy fences unless the property line abuts property in a commercial or industrial district. When the property line abuts property in a commercial or industrial district, a fence with a maximum height of eight (8) feet may be constructed.
- (C) Other: The following shall be permitted:
  - (1) Chain link fences shall be permitted in residential districts for sport applications. Chain link fences for full size tennis courts, basketball courts, baseball diamonds, softball diamonds and other similar applications are limited to ten feet in height.
  - (2) Fencing around Swimming Pools: See Section 10100.

**Section 13630 – Fence Standards for Commercial, Office, and Industrial Districts:**

All fences erected in a commercial, office, or industrial district require a Conditional Use Permit consistent with the requirements of Article IV.

- (A) Chain link fences shall be permitted in order to secure the premises and for sport applications.
- (B) Chain link fences are limited to the buildable area of the lot.
- (C) Chain link fences are limited to a maximum height of five feet above grade except as specifically stated otherwise. Chain link fences for full size tennis courts, basketball courts, baseball diamonds, softball diamonds and other similar applications are limited to ten feet in height.
- (D) In industrial districts only, chain link fences are permitted forward of the principal structure but shall not encroach into the minimum required front building setback.
- (E) The use of wood, metal, plastic or fiberglass strips woven into chain link fence is prohibited.
- (F) Chain link fences viewable from public rights-of-way shall be screened with evergreen trees and shrubs.

**Section 13640 – Fence Administration:**

Permit Required: No fence shall be constructed, altered or reconstructed without a permit from the Zoning Administrator and after such application has been approved.

Inspections: It shall be the duty of each property owner to determine property lines and to ascertain that the fence thus constructed does not deviate from the plans approved by the Township, and such fence does not encroach upon another lot or parcel of land nor is it in violation of any deed restrictions. The Township shall furnish such inspection as is deemed necessary to determine that the fence is constructed in accordance with plans submitted for permit, provided, however, that the issuance of the permit by the Township shall not be construed to mean that the Township has determined that the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him therein.

## **ARTICLE XIV – TELECOMMUNICATION TOWERS**

### **Section 14001 – Purpose Telecommunication Towers:**

Pursuant to the Telecommunications Act of 1996 and the ORC Section 519.211, and the Millcreek Township Trustees being duly notified of a person's intent to construct a Telecommunication Tower in any area zoned for residential use, public utilities or other functionally equivalent providers may site a telecommunications tower as a conditional use provided the conditions of this Article are met.

### **Section 14100 – Definition of Telecommunication Tower:**

A telecommunication tower shall meet all of the following conditions:

- (A) Constructed on or after October 31, 1996
- (B) Owned or principally used by a public utility engaged in the provision of telecommunication service.
- (C) A free standing structure or is attached to another building or structure and is higher than the maximum allowable height permitted in the zoning district in which it is located.

### **Section 14200 – Telecommunication Tower Performance Bond:**

For each telecommunication tower, the owner or operator shall provide to the Township, a surety bond or a bank letter of credit, to assure the Township that the terms and conditions of this Article are performed and complied with, including necessary repairs, repairs to public highways and roads and the cost and expense of removal in the event of abandonment. The Millcreek Township Board of Trustees may draw upon the performance bond to recover any costs, damages, or expenses incurred by the Township, which arise out of the violations of this Article or the abandonment or discontinuance of the use of a tower.

### **Section 14300 – Procedure to Request Installation of Telecommunication Tower:**

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

- (A) The applicant shall provide proof of notification to contiguous or directly across the street property owners as required by ORC Section 519.211.
- (B) The applicant must demonstrate at the time of application that no technically suitable and feasible sites are available in a non-residential district. There shall be an explanation of why a tower at this proposed site is technically necessary.
- (C) Co-location. Applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of other users on the same tower to the extent possible. All co-located and multiple-use telecommunication facilities shall be designed to promote facility and site sharing.
- (D) Setbacks from all platted residential uses and residential districts. All new towers shall be setback from the closest subdivision boundary line for all platted residential subdivisions, and for all non-platted residential districts from the closest residence, a distance of nine hundred (900) feet with the exception of the R-1 zoning district where such setback shall be two hundred (200) feet.
- (E) The entire structure of all new facilities proposed to be located within 1 mile of residentially platted and zoned areas must be camouflaged through location in or on, other existing structures.
- (F) Setbacks from all streets and private and public road right of ways. All new towers shall be setback from all road right of ways public and private, a distance of nine hundred (900) feet.
- (G) Setbacks from all other uses allowable in the zoning district. All new towers shall be setback from any building that is not associated with or accessory to the telecommunications tower facility a distance of nine hundred (900) feet.
- (H) Any and all base station equipment, accessory structures, buildings, etc. used in conjunction with the tower shall be screened with fencing, masonry, shrubbery or other screening materials.
- (I) The applicant shall notify the Zoning Administrator within thirty (30) Days of ceasing operations at the site and shall remove all structures within one hundred and twenty (120) days of ceasing operations.
- (J) No advertising or illumination other than that required by law may be located on the structure or on the required screening.
- (K) An inspection report prepared by a qualified engineer licensed by the State of Ohio shall be submitted to the Zoning Office every five (5) years which details the structural integrity of all towers and support structures on the property. The results of such inspections shall be provided to the Union County Building Regulations Department and Millcreek Township Zoning Administrator. Based upon results of an inspection, the Township Trustees may require repair or

removal of a communication tower. Any and all necessary repairs to the tower and/or support structures shall be made within a seven (7) day period or the tower and/or structures shall be removed. The tower owner (applicant) is responsible to cover the cost of all inspections, repair, and/or removal.

- (L) The unstaffed storage building and/or unit that houses transmitting equipment is considered an accessory use and/or structure. Setbacks for accessory uses/structures will comply with distances in the zoned district of the tower location. These facilities may not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios except for emergency purposes, or other uses that are needed to send or receive transmissions.
- (M) A six (6) foot safety fence with a locked gate surrounding the tower is required. If high voltage is necessary, signs must be posted every twenty (20) feet along the fence saying, "Danger - High Voltage." The operator must also post "NO Trespassing" signs.

## ARTICLE XV – NOISE & LIGHTING

### **Section 15000 – Noise Purpose:**

The purpose of this section is to provide for maintained quality of life through the limitation of noise and lighting pollution.

### **Section 15001 – Loud and Unnecessary noises prohibited:**

No person shall make, continue or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the Township.

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

The following acts are declared to be loud, disturbing and unnecessary noises in Residential Subdivisions, in violation of Section 12001, but such enumeration shall not be deemed to be exclusive, namely:

- (A) Animals and Birds. The keeping of any animal or bird by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- (B) Defect in Vehicle or Load. The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- (C) Domestic Power Tools. Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool, snow blower, small power equipment, or similar device used outdoors in residential areas between the hours of 11:00 p.m. and 6:00 a.m. the following day so as to cause a noise disturbance across a residential real property boundary.
- (D) Drums. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale; not including school functions and athletic events.
- (E) Engine-Repair and Testing. It shall be unlawful for any person to repair, rebuild or test any engine so as to create a noise disturbance between the hours of 11:00 PM and 8:00 AM the following day.
- (F) Exhaust. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises.
- (G) Loudspeakers / Public Address System
  - (1) Using or operating for any noncommercial purpose any loudspeaker, public address system, or similar device between the hours of 10:00 p.m. and 8:00 a.m. the following day, such that the sound there from creates a noise disturbance across a residential real property boundary or within a noise sensitive zone.
  - (2) Using or operating for any commercial purpose any loudspeaker, public address system, or similar device (a) such that the sound there from creates a noise disturbance across a real property boundary or within a noise sensitive zone; or (b) between the hours of 8:00 p.m. and 10:00 a.m. the following day on a public right-of-way or public space.
- (H) Radios, Musical Instruments and Similar Devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which produces, reproduces, or amplifies sound:
  - (1) Between the hours of 11:00 p.m. and 7:00 a.m. the following day in such a manner as to create a noise disturbance across a real property boundary or within a noise sensitive zone.
  - (2) In such a manner as to create a noise disturbance at 50 feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space, or,
  - (3) In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.

### **Section 15004 – Measurement and Control of Noise:**

- (A) Noise Prohibited. No person shall make, continue or cause to be made or continued any noise in excess of the noise levels set forth herein unless such noise is reasonable necessary to the preservation of life, health, safety or property.
- (B) Measurement and Control. It shall be unlawful for any person to cause a sound from a stationary source which exceeds any sound level as set forth in the applicable column in the following table titled "Maximum Permissible Sound Levels" when measured at any point within any other property affected by the sound. Measurement shall be made by a duly authorized individual who is knowledgeable in the proper use of the measurement equipment. Measurement shall be made in slow response, A-weighting, except in the case of impulsive sound which shall be measured with an impulsive

sound level meter, ANSI S1.4-1971. Octave band measurements, where noted, shall be made with an octave band analyzer.

**Maximum Permissible Sound Levels from Stationary Sources**

<i>Zoning District</i>	<i>Time of Day</i>	<i>Continuous Sound (db)</i>	<i>Impulsive Sound (db)</i>
U-1, R-1, Planned Residential Districts	All	60	80
B-2, Planned Commercial District, Planned Town Center District	All	65	90
M-2, EQ, Planned Industrial Districts	All	70	110

**Section 15006 – Exceptions and Special Waivers:**

- (A) Exceptions. The following uses of an activity shall be exempt from noise level regulations:
  - (1) Noise of safety signals and warning devices.
  - (2) Noises resulting from any authorized vehicle, when responding to an emergency.
  - (3) Noises resulting from the provision of township services.
  - (4) Any noise resulting from activities of a temporary duration permitted by law and/or for which a waiver has been granted by the Township.
  - (5) The unamplified human voice.
  - (6) Parades and public gatherings for which a special waiver has been issued.
  - (7) Bells, chimes, carillons while being used for religious purposes or in conjunction with religious services, or for national celebrations or public holidays, and those bells, chimes, carillons that are presently installed, and in use, for any purpose.
- (B) Exceptions for time to comply. Upon good cause shown by the owner or responsible party for any noise source, the Zoning Commission shall have the power to grant an exemption from the requirement of this Section in order to allow sufficient time for installation of needed control equipment, facilities, or modifications to achieve compliance, not to exceed ten (10) days, provided that such exemption may be renewed as necessary, but only if satisfactory progress toward compliance is shown. A request for exemption shall be filed in writing with the Zoning Administrator
- (C) Use exemptions. The following uses and activities shall be exempt from noise level regulations:
  - (1) Lawn maintenance equipment when it is functional within manufactures specifications and with all mufflers and noise reducing equipment in use and in properly operating condition between the hours of 8:00 a.m. and 9:00 p.m.
  - (2) Non-amplified crowd noises resulting from the activities such as those planned by day care centers, schools, governmental or community groups.
  - (3) Amplified announcements, electronically amplified announcements at athletic or special events from 8:00 a.m. to 12:01 a.m.
  - (4) Agricultural activities.

**Section 15500 – Lighting Standards and Requirements:**

The following standards shall apply to all exterior light fixtures within the Township, except street lighting and associated traffic devices provided by a public utility or governmental entity within a public right-of-way.

**Section 15510 – Lighting Standards (All Zoning Districts):**

- (A) All lights shall be shielded in such a way as to direct all light toward the Earth’s surface and away from reflective surfaces.
- (B) Light fixtures or lamps shall be shielded / shaded in such a manner as to direct incident rays away from all adjacent property.
- (C) No luminaire shall have any blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color nor is any beacon light permitted, except those required for fire alarm and/or emergency systems.
- (D) Neither the direct nor reflected light from any luminaire shall create a disabling glare causing traffic hazards on public thoroughfares.
- (E) Lights on poles shall not be taller than the building whose area they illuminate nor taller than fifteen (15) feet whichever is shorter.
- (F) Any facilities which may require floodlighting may not arrange the light in such a way that it will shine towards roadways,

onto adjacent residential property or residential use property or into the night sky.

- (G) Any interior lighted signs may not be lit at night when any face of the sign is removed or damaged in such a way that the light may distract drivers or homeowners.
- (H) The level of lighting shall not exceed 0.5 foot-candles at any residential property line or 1.0 foot-candle at any non-residential property line.
- (I) Except as stated elsewhere in these regulations, light levels will be limited to those published as recommendations by the Illuminating Engineering Society of North America.

**Section 15520 - Additional Lighting Standards for Commercial, Business, Industrial, and Natural Resource Zone:**

The requirements of this subsection also apply to any roadway adjacent to any Residential Zoning District.

- (A) Any light fixture must be placed in such a manner that no light emitting surface is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at ground level.
- (B) All parking lot lighting will use full cutoff lighting fixtures. Parking areas shall be lighted using pole mounted lighting fixtures. The fixtures shall be located within or adjacent to the parking areas, in raised traffic island, parking bay separators or adjacent landscape areas. Poles and luminaires shall be located so as not to be damaged by automobiles being parked (front overhang minimum 39 inches; rear overhang minimum 60 inches). In no case shall parking areas be illuminated by building mounted lights.
- (C) On all parking lots which contain a minimum of four (4) parking lot light poles, parking lot lighting levels for ground surface parking lots shall be reduced by at least fifty (50) percent of full operational levels within one (1) hour after the close of business, provided, however, that this provision shall not require parking lot lighting levels to be reduced to less than 0.2 foot-candles as measured horizontally at the surface on which the light pole is mounted.
- (D) Any canopy structure used at a business location must have recessed lights with diffusers which do not extend below the surface of the canopy.
- (E) Any luminaire on a pole, stand or mounted on a building must have a shield, an adjustable reflector and nonprotruding diffuser.
- (F) Building facade lighting shall not shine above the facades.

**Section 15530 – Lighting Standards Exemptions:**

- (A) Federal or state laws, rules and regulations take precedence over these provisions.
- (B) Fire, police, rescue, or repair personnel need light for temporary emergency situations.
- (C) Holiday lighting fixtures
- (D) Motion activated light fixtures located as follows:
  - (1) On lots developed with single family dwellings when such lighting fixtures emit initial lighting levels of 6000 lumens or less and are aimed such that the lamp or light bulb portion of the lighting fixture is not visible at five (5) feet above the property boundary.
  - (2) On all other lots when such lighting fixtures are aimed such that the lamp or light bulb portion of the lighting fixture is not directly visible at five (5) feet above the property boundary.
- (E) Lots developed with single family dwellings provided outdoor lighting fixtures are 2000 lumens or less.
- (F) Special requirements exist such as with sports facilities and monument or flag lighting; all such lighting shall be selected and installed to shield the lamp(s) from direct view to the greatest extent possible, and to minimize upward lighting and light trespass.

## ARTICLE XVI – ADULT ENTERTAINMENT FACILITIES

### **Section 16001 – Purpose:**

The Adult Entertainment Facilities Regulations grow out of noted concerns raised by Millcreek Township concerning the possibility of adult businesses locating in the Township and the potential of resulting ill effects on the health, general welfare and morals of the Township.

### **Section 16010 - Zoning Authority:**

Millcreek Township, Union County, Ohio, pursuant to Ohio Revised code Section 519.02 and for the purposes specified thereunder, may and does regulate and has local zoning control over land use in Millcreek Township. Adult entertainment establishments are a type of land use.

### **Section 16020 - Studies of Sexually Oriented Businesses:**

Millcreek Township has elected to reference the work compiled and adopted by the Zoning Commission of Orange Township of Delaware County, Ohio.

### **Section 16030 - Zoning Issues Regarding Adult Entertainment Establishments:**

At the time of the adoption of this regulation there are no sexually oriented businesses in Millcreek Township. There is the possibility that adult entertainment businesses will someday want to locate within the Township. Renton, Washington, a suburb of Seattle, enacted 1000 foot separation standards between adult entertainment establishments and certain other land uses; those standards were upheld by the United States Supreme Court. More recently the State of Ohio Courts have upheld 1,500 foot separation standards. The Township wishes to use zoning powers to establish appropriate locations for adult entertainment establishments so as to minimize the adverse secondary effects of such establishments. Millcreek Township has chosen to follow the standards upheld in the State of Ohio in Section 13001 (2) (a).

At the time of the adoption of this amendment to the zoning Resolution, Millcreek Township has Limited Industrial (M) along US Route 33, a four-lane federal highway that bisects the township. The M District would be the most appropriate location for adult entertainment establishments provided they can meet the 1500 foot separation requirement in Section 13001 (a)(2). Planned Districts composed entirely of Limited Industrial uses and Additional Limited Industrial zones are proposed by the Township comprehensive land use and growth plan that could also conform to the 1500 foot separation requirement

### **Section 16040 – Permitted Adult Entertainment Establishments:**

Adult Entertainment Establishments, with the exception of "touching businesses", are conditional uses, conditionally permitted in the Limited Industrial (M) district provided:

- (A) Adult entertainment establishments shall not be permitted within 1500 feet (measured from the closest property line of each use) of:
  - (1) A religious institution
  - (2) A kindergarten -12<sup>th</sup> grade school or teaching facility, whether public or private, governmental or commercial which is attended by persons under eighteen (18) years of age
  - (3) A park, playground, or recreational facility attended by persons under eighteen (18) years of age
  - (4) Any residence
  - (5) The boundary of any residential zoning district
  - (6) A library
  - (7) A day care center
  - (8) Another adult entertainment establishment
- (B) Only one adult entertainment establishment (i.e. adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater, lingerie modeling studio, nude or seminude model studio, or sexual encounter establishment) is permitted in a single building. No co-location of adult entertainment establishments is permitted within one building. It is not permissible to co-locate an adult bookstore with an adult theater, for example.
- (C) Hard core material is not displayed publicly, as defined in the Definitions section of this Resolution.
- (D) No adult entertainment establishment shall be open for business prior to 10:00 a.m. or later than 11:00 p.m.
- (E) Viewing booths shall not be used in conjunction with any "touching business" that results in the touching of clients by employees or employees by clients.

- (F) Adult entertainment stores that sell both mainstream media and hard core material shall physically and visually separate hard core material from main stream media using the standards in Section 16040,a (1-8)

**Section 16050 – Prohibited Adult Entertainment Establishments:**

"Touching businesses" such as non-therapeutic massage, lap dancing, and nude modeling that involves employee-client contact are prohibited.

**Section 16060 – General Conditions for Adult Entertainment Facilities Use:**

- (A) No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
- (B) All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
- (C) No screens, loudspeakers, or sound equipment shall be used for adult motion picture theatres (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
- (D) Off-street parking shall be provided in accordance with the standards of Article IX.

**Section 16070 – Mainstream Shops Also Selling Adult Material:**

Mainstream media shops or stores that have a maximum of 10 percent of their gross floor area devoted to hard core material are permitted in Commercial and Industrial Districts, provided:

- (A) Hard core material shall be physically and visually separated from main stream media, and shall not be displayed publicly as defined in Article IV.
- (B) Separation shall be by a solid opaque-walled enclosure at least eight feet high or reaching to the ceiling.
- (C) Inventory marketed to and predominantly consumed by minors shall not be displayed within 15 feet of the entrance to the hard core material section.
- (D) Access to the hard core material section shall be controlled by electronic or other means to provide assurance that a person under age 18 will not obtain access, and the general public will not accidentally enter this section.
- (E) The hard core material section shall provide signage at its entrance warning that persons under the age of 18 are not permitted inside.
- (F) No adult arcades are permitted in mainstream media stores.
- (G) No more than one designated area for sexually oriented merchandise per store.
- (H) There shall be no exterior signs that advertise hard core or XXX media.

**ARTICLES XVII – XIX RESERVED**

## ARTICLE XX – INTERPRETATION & DEFINITIONS

### **Section 20100 – Interpretation of Terms or Words:**

For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:

- (A) The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (B) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (C) The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- (D) The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied”.
- (E) The word “lot” includes the words “plot” or “parcel”

### **Section 20200 – Definitions:**

Access Management – The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed; refer to Union County Access Management Regulations

Accessory Use or Structure – A use or structure on the same lot with, and or a nature customarily incidental and subordinate to, the principal use or structure

Acre – A measure of land. One (1) acre shall equal forty-three thousand, five hundred sixty (43,560) square feet

Addition – Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area

Adult-Oriented Business - An establishment having as its primary stock and trade material that is distinguished or characterized by its emphasis on sexually oriented material that is harmful to juveniles or obscene

Adult - An individual eighteen years of age or older.

Adult arcade – Any place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

Adult bookstore, adult novelty store, or adult video store – A commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

- (A) Hard core material.
- (B) Adult novelties, instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

Adult cabaret means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

- (A) Persons who appear in a state of nudity or semi-nudity;
- (B) Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;

(C) Films, motion pictures, video cassettes, slides, or other photographic reproductions, which are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

Adult entertainment – The sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

Adult entertainment establishment or Sexually Oriented Business – An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, lingerie modeling studio, nude or seminude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not an "adult entertainment establishment."

Adult motion picture theater – A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

Adult theater – A theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.

Agricultural building – A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee or their immediate families, their employees, and persons engaged in the pickup or delivery of agricultural produce or products grown or raised on the premises.

Agriculture – "Agriculture" includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry; including, but not limited to, the care and raising of livestock, equine, and furbearing livestock; poultry husbandry; and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber, pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but secondary to, such husbandry or production.

Alley – Any public way or thoroughfare less than twenty (20) feet in width which is located at the back or side of properties abutting on another street. Alleys may be public or private.

Animal Feed Lot – A lot, yard, corral, or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. The term does not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze.

Apartment – One or more rooms in a dwelling designed and intended for occupancy as a separate dwelling unit.

Arcade – A series of arches supported by piers or columns.

Architectural Development Plan (ADP) – A conceptual plan of a proposed residential land development, together with written materials, showing the general character and layout of the development parcel including the approximate location and density/intensity of uses, the approximate location of parks and open space, the location of existing and proposed streets and alleys, and the relationship of the development to adjacent areas that it may affect.

ATV – "All-Terrain Vehicle (ATV)" means any motor vehicle designed for off highway use and designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and handlebars for steering control.

Automotive Repair – The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision services, painting and steam cleaning of vehicles

Automotive Vehicle – A vehicle which is designed and manufactured to be self-propelling or self-moving upon the public highway. More specifically, as referred to in this Resolution, it includes: automobiles, trucks, semi-tractors and motorcycles or any vehicle licensed for highway use.

Alterations, Structural – Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

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

"A-Weighted" Sound Level – The sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated dB(A) or dBA.

Awning – A structure extended before a window or door as protection from sun or rain.

Basement – A story all or partly underground but having a least one-half of its height below the average level of the adjoining ground.

Bed and Breakfast Inn – A single family, private residence that provides overnight accommodations and a morning meal to transients for compensation. The owner/operator of the bed and breakfast must live full time on the inn's premises. B & B inns shall contain no more than six (6) separate guest rooms.

Billboard – A sign directing attention to a specific business, product, service, entertainment, or other activity sold, offered or conducted elsewhere than upon the lot on which the sign is located or for public service and information for political advertising.

Board of Zoning Appeals (BZA) – The Board of Zoning Appeals of Millcreek Township, Union County, Ohio

Breezeway – A roofed structure, with or without enclosing walls, connecting an accessory structure to the principal building.

Buffer – A strip of land, fence, or border of trees between one use and another that may or may not have trees and shrubs planted for screening purposes, designed to set apart one use area from another.

Building – Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

Building, Accessory – A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

Building, Height – The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roof, and the mean height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Bay – Any of a number of principal divisions of a wall, roof, or other part of a building marked off by vertical or crosswise supports.

Block Face – The properties abutting on one side of a block.

Building Line – See setback line

Building Mass – The three-dimensional bulk of a building: height, width, and depth.

Building Manufactured – A manufactured building has the following features or characteristics: It is (1) mass produced in a factory; (2) designed and constructed for transportation to site with or without a chassis for installation and use when connected to required utilities; (3) either an independent, individual factory erected building or a module with two or more sides erected at the factory, for combination with other elements to form a building on the site.

Building Scale – The relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings

Building Principal – A building in which is conducted the main or principal use of the lot on which said building is situated

Business, Convenience - Type Retail – A retail business whose market area is the neighborhood or part of the community, which provides convenience-type goods and personal services for the daily needs of the people within the residential area. Uses include, but are not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry facilities, supermarkets, etc.

Business, Drive-in – Any business, structure or premise which is designed primarily to serve occupants of motor vehicles without the occupants having to leave the vehicle

Business, Service – Any profit making activity which renders primarily services to the public or to other commercial or industrial enterprises. Some retail sales may be involved in connection with the service rendered.

Business, Shopping - Type Retail – A retail or service business which supplies a wide variety of comparison goods and services to consumers in a market area that includes the community or an area greater than a community. Examples of shopping-type businesses are furniture stores, automobile sales and services and clothing shops.

Business Operations – Business operations are any activities that take place in connection with the day-to-day operation of or activities associated with an ongoing business concern, whether for profit or in kind payment. For enforcement purposes, this definition shall include the employment of one or more employees, or the lack thereof. The lack of a visiting customer base or clientele shall not exempt a property owner from the definition of business operations.

Campground, Commercial or Private – An area of land proving space for or containing two (2) or more recreational vehicles, cabins, camping tents, or other similar type of shelter designed for the seasonal, recreational use of transients.

Cemetery – Land used or intended to be used for the burial of animal or human dead and dedicated for cemetery purposes including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Character – Those attributes, qualities, and features that make up, distinguish a development project, and give such project a sense of purpose, function, definition, and uniqueness.

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

Clean fill – Soil brought in to fill low areas or other depressions in the earth. Clean fill is free from hazardous substances, large stones, metals, plastics, asphalt, concrete and other debris, waste or junk.

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

Clinic – A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

Club – A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, fraternal or recreational purpose primarily for the exclusive use of members and their guests.

Commercial Grade Equipment – Playground and / or picnic / barbeque equipment used and intended for installation in high use areas or public settings, such as parks, or other recreational facilities

Commercial Motor Vehicle / Trailer –

- (A) The vehicle has a gross vehicle weight (GVW) rating of 26,000 pounds;
- (B) The vehicle is towing a trailer that exceeds 10,000 pounds gross weight and the combined weight of the vehicle and the trailer exceeds 26,000 pounds;
- (C) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Motor Carrier Safety Administration to be a commercial motor vehicle, including but not limited to a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells and a portable crane;
- (D) The vehicle is designed to transport more than 15 passengers including the driver

Common Access Drive – A common access driveway (CAD) is a privately constructed, privately owned, and privately maintained driveway located within an ingress/egress easement serving more than one lot (or parcel) but not more than five lots (or parcels) installed in accordance with the requirements of the Union County Engineer.

Compatible or Compatibility – The characteristics of different uses, activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics that affect compatibility are landscaping, lighting, noise, odor, and architecture. Compatibility does not mean “the same as,” but rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

Comprehensive Development Plan or Comprehensive Land Use Growth Plan – A plan, or any portion thereof, adopted by the Regional Planning Commission, the Board of County Commissioners, and/or The Board of Township Trustees, showing the general location and extent of present and proposed physical facilities including housing, industrial, and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan established the goals, objectives, and policies of the community

Conditional Use – A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of District Regulations.

Conditional Use Permit – A permit issued by the Zoning Administrator upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Construction – Any site preparation, assembly, erection, substantial repair, alteration, demolition, or similar action

Construction Trailer – A temporary building or trailer used in conjunction with construction work that only may be permitted in any district during the period the construction work is in progress, but shall be removed upon completion of the construction work. A construction trailer shall not be used as a residential dwelling or for storage on a residential property following completion of construction.

Continuous Sound – A sound, the intensity of which remains essentially constant during a given period of time. Continuous sound shall be measured by the slow response setting of a sound level meter.

Connectivity – The ability to be linked between areas, through vehicular and pedestrian transportation systems, including adjacent and proposed residential neighborhoods and schools, parks, trails, shopping and employment areas.

Corner Lot – See Lot Types

Cornice – A continuous, molded projection that crowns a wall or other construction, or divides it horizontally.

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

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

Daytime – Denotes the local time of day between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and between the hours of 9:00 a.m. and 9:00 p.m. on Saturdays, Sundays and local legal holidays.

DBA – "Decibel-A-Weighted" – Sound pressure level as measured on the "A" scale of a sound level meter manufactured in accordance with the specifications of the American National Standards Institute, Inc. (ANSI), Type 2, ANSI-S1.4(1971), calibrated within two (2) hours of being used for measurement. Unless otherwise noted, measurements shall be made in the slow response mode of the meter.

DBH – Base Diameter at a height of 18 inches above the soil line.

Deed Restriction – A legal restriction, not enforceable by zoning, on the use of land, contained in the deed to the property.

Density – A unit of measurement; the number of dwelling units per acre of land.

Density, Gross – The number of dwelling units per acre of the total land to be developed.

Density, Net – the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses. Net density calculations exclude rights-of-way of publicly dedicated streets, private streets, water retention and detention areas, open space provided as a part of the development, associated recreation facilities, etc.

Decibel (dB) – A unit of sound pressure, equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micro-pascals (20 micro-newtons per square meter).

Display publicly – The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than hard core material are on display to the public.

Distinguished or characterized by their emphasis upon – The dominant or principal character and theme of the object described by this phrase. For instance, when the phrase refers to films "that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or description of specified sexual activities or specified anatomical areas.

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

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

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

more human occupants.

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

- (A) Modular Unit – A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements which are to be incorporated into a structure at the site.
- (B) Sectional Unit – A dwelling made of two or more modular units transported to the home site, put on a foundation, and joined to make a single dwelling.
- (C) Manufactured Home – Manufactured housing built on a chassis. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, even when wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.
- (D) Manufactured Home, Double-Wide or Triple-Wide – A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.
- (E) Manufactured Home, Expandable – A mobile home with one or more room sections that fold, collapse, or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

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

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

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

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

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

Dwelling, Room House (Boarding House, Lodging House, Dormitory) – A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Easement – Authorization by a property owner for the use by another, and for a specified purpose, of any designed part of his property.

Eave – The projecting edges of a roof overhanging the wall of a building.

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

Emergency – Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency Signal Device – Any audible warning device, such as a gong, whistle or siren or any air horn or any similar device.

Emergency Work – Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Essential Services – The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Establishment – Any business regulated by this Resolution

Family – One or more related persons occupying a single dwelling unit.

Farm – See Section 5713.30(A) of the Ohio Revised Code.

Farm Market – A building or structure designed or used or intended to be used for the display and / or sale of produce, raised on farms owned or operated by the farm market operator.

Farm Pond – A body of water, smaller than a lake (less than 5 acres), located on a farm

Fence - An artificially constructed barrier of wood, masonry, stone, wire, metal, vinyl, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

Fence, barbed wire – One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals. The term “barbed wire” as used herein excludes razor ribbon.

Fence, chain link – An open mesh fence made entirely of wire woven in squares of approximately 1.5 inches with vertical supports not less than 1.5 inches in diameter spaced not less than six feet, and not more than eight feet, apart.

Fence, decorative – A designed open or solid fence or wall that meets all of the following: (a) It contributes to the identification and beauty of the principal use; (b) It is not erected to satisfy any other provision of this code; (c) It does not act as a retaining structure; (e) It is not a privacy or stockade fence.

Fence, privacy – A fence no more than six feet in height intended to inhibit public view and provide seclusion. When viewed at right angles has less than sixty-six percent (66%) of its area open to light and air. Examples of privacy fences include but are not limited to:

- (A) Basket weave or woven fences – Made of interwoven strips or slats of flexible material in which the pattern has the appearance of a “basket weave”.
- (B) Louver or ventilating fences – Made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its plane.
- (C) Board on board fence – A fence made of vertical wood planks supported by horizontal framing with the vertical planks usually mounted on alternating sides of the framing. The planks may or may not be placed with a space between.
- (D) Stockade Fence – A fence made of board on board construction using rounded vertical planks with sharpened tops. The planks are usually placed with no space between.

Fence, temporary – Fences erected for a specific function and limited time duration.

Fence height – The height above the horizontal property grade that represents not less than sixty percent (60%) of the property plane.

Fence, Decorative – A fence hedge used for decorative purposes only and not used to confine or enclose an area.

Fence, Functional – A barrier fence or hedge used to confine or enclose an area.

Fenestration – The design, proportioning and arrangement of windows and other exterior openings of a building.

Front façade – The exterior wall(s) of the principal residential building that faces the street from which the building takes access or is addressed. Where the front façade includes walls with different setbacks, that portion of a wall that is closest to the front of the lot, exclusive of garage walls, shall be the point used to determine the front façade.

Flood Plain – That land, including the flood fringe and the flood way subject to inundation by the regional flood.

Floor Area Of A Residential Building, Usable – The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use and attached garages, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

Floor, Area of a Non Residential Building (to be use in calculating parking requirements) – The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms.

Floor Area, Livable – The livable floor area in square feet of existing or proposed buildings or structures or additions thereto shall be computed by multiplying the outside horizontal dimensions with each floor of the livable area. Porches, carports, and similar structures shall not be considered in computing the total livable area.

Food Processing – The preparation, storage, or processing of food products; examples of these activities include bakeries, dairies, canneries, meat processing plants, and similar activities.

Forestry – The propagation and harvesting of forest trees.

Foundation, Permanent – A permanent perimeter masonry, concrete, or a locally approved footing or foundation to which a dwelling will be attached

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

Garage, front loaded – A private residential garage that is accessed from a street other than an alley. A front-loaded garage may face the street (garage doors parallel to the street) or may turn its side to the street (garage doors perpendicular to the street, sometimes referred to as a “side-loaded” garage).

Gasoline Service Station – Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail.

Gross public floor area – The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled public), stage areas, aisles, hallways and entryways.

Hard core material – Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

Hazardous Waste – Those substances which, singly or in combination, pose a significant present or potential threat or hazard to human health or to the environment, and which, singly or in combination, require special handling, processing, or disposal, because they are or may be flammable, explosive, reactive, corrosive, toxic, infectious, carcinogenic, bioconcentrative, or persistent in nature, potentially lethal, or an irritant or strong sensitizer.

House model – Having different or unique exterior identification features to distinguish one house from another, through the use of exterior materials, including but not limited to elevations, material treatments, front façade placement of windows and doors, garage location and placement, rooflines, number of stories, and color.

Impulsive Sound – A sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

Incinerator – A furnace or other device used for burning trash or unwanted items or material.

Junk Yard – An establishment or place of business which is maintained or operated, or any other land used, for the purpose of storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. It shall also include scrap metal processing facilities which are located within one thousand feet of the nearest edge of the right-of-way of a highway or street.

Juvenile – An unmarried person under the age of eighteen.

Kennel – Any lot or premise on which dogs, cats, or other household pets are boarded, bred, or exchanged for monetary compensation.

Lake – A body of fresh water of considerable size, surrounded by land.

Landfill, Sanitary – A land disposal site employing a method of disposing of solid wastes on land in a manner intended to minimize environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying and compacting cover material daily.

Licensed professional massage studio – An establishment offering massage therapy and/or body work by a massage therapist licensed under the Ohio Revised Code or under the direct supervision of a licensed physician.

Lighting related definitions –

- (A) Canopy structure: Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
- (B) Fixture: The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens
- (C) Foot-candle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
- (D) Glare: Direct light emitted by a luminaire that causes reduced vision or momentary blindness.
- (E) Illuminance: The level of light measured at a surface.
- (F) Lamp: The component of a luminaire that produces the light.
- (G) Light direct: Light emitted directly by a lamp, off a reflector, or through a refractor of a luminaire
- (H) Light emitting surface: Any part of a fixture (lamp, diffusor) which emits light rays.
- (I) Light pollution: General sky glow caused by the scattering of artificial light in the atmosphere, much of which is caused by poorly-designed luminaires.
- (J) Light shield: Any attachment which interrupts and blocks the path of light emitted from a luminaire or fixture.
- (K) Light trespass: Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located.
- (L) Lumen: A unit of measurement of luminous flux.
- (M) Luminaire: The complete lighting system, including the lamp and the fixture.
- (N) Luminaire full cutoff: A luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part.
- (O) Luminaire permanent outdoor: Any fixed luminaire or system of luminaires that is outdoors and this is intended to be used for seven (7) days or longer.
- (P) Outdoor light fixtures: Outdoor artificial illuminating devices, installed or portable, used for floodlighting, general illumination, or advertisement.

- (Q) Roadway lighting: Permanent outdoor luminaries that are specifically intended to illuminate roadways for automotive vehicles.
- (R) Standard methods: Methods of measurement established by a nationally recognized Board.

Lingerie modeling studio – An establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 600 square feet.

Litter – Garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public property, private property, or in or on waters of the state.

Live entertainment – On site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

Loading Space, Off-Street – Space logically and conveniently located for bulk pickups and deliveries, scaled to the delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Lot – A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area for one principal building together with its accessory building and which provides such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of: a single lot of record; a portion of a lot of record; a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Coverage – The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

Lot Frontage – The front of a lot shall be construed to be the portion at the street or road right-of way line. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets or road right-of way lines shall be considered frontage, and yards shall be provided as indicated under “Yard” in this section. (Also see Lot Measurement, Width)

Lot, Minimum Area of – The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

Lot Measurements – A lot shall be measured as follows:

- (A) Lot Depth – The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and rear most points of the side lot lines in the rear. No lot containing ten (10) acres or less shall have an average depth that is more than three (3) times its width measured at the road right-of-way line.
- (B) Lot Width – The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the street or road right of way line, except on cul-de-sac streets where it is measured at the setback line. (Also see Lot Frontage) For lots containing ten (10) acres or less in area, the actual distance between the side lot lines at any point along the lot depth cannot be less than eighty (80%) percent of the required Lot Frontage. For lots containing more than ten (10) acres, said lot shall comply with road frontage requirements.

Lot of Record – A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types – Terminology used in this Resolution with reference to corner lot, interior lots and through lots is as follows:

- (A) Corner Lot – A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the

lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

- (B) Interior Lot – A lot with only one frontage on a street
- (C) Through Lot – A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- (D) Reversed Frontage Lot – A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Major Thoroughfare Plan – The portion of the comprehensive plan adopted by the Board of County Commissioners indicating the general location recommended for arterial, collector, and the local thoroughfares within the appropriate jurisdiction.

Manufacturing, Heavy – Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, dust, glare, air pollution, odor, but not beyond the district boundary to any large extent.

Manufacturing, Light – Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic and no major nuisances.

Material, Adult – Any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound or touch

Mining, Commercial Quarries, Sand and Gravel Pits – Any mining, quarrying or processing of limestone, clay, sand and gravel or other mineral resources. Also referred to as mineral extraction.

Manufactured Home Park – Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Media – Anything printed or written, or any picture, drawing, photograph, motion picture, film, video, DVD, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is used or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMs, other magnetic or digital media, and undeveloped pictures.

Media shop or store, mainstream – A general term, identifying a category of business that sells and displays publicly various forms of media, at least 90% of which is not hard core material. A maximum of 10 % of the products sold may constitute hard core material, provided that any hard core materials are placed within an enclosed space, where entrance is limited to adult patrons only and where the hard core material is not displayed publicly.

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

Mobile Source – Any moving sound source on a public right-of-way

Motorcycle – Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a trailer.

Motor Vehicle – Any vehicles which are propelled or drawn by mechanical equipment, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, minibikes, go-carts, snowmobiles, mopeds, amphibious craft on land, dune buggies, all-terrain vehicles or racing vehicles.

Motor Vehicle Salvage Facility – Any establishment or place of business which is maintained, used, or operated for buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

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

Neighborhood identity feature – A place for gathering or recreation, or a design feature or features intended to create a unique character or sense of identity in single-family and two-family, multifamily or mixed use developments

Net Developable Area – That area after deducting from the gross acreage:

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

Nighttime – Those hours excluded from the definition of "daytime."

Noise – Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological effect on humans.

Noise Disturbance - Any sound which (a) endangers or injures the safety or health of humans or animals; or (b) annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property; or (d) exceeds the applicable maximum permissible sound levels as they appear in the table in subsection 4 of this section.

Noise Sensitive Zone – Any area designated for the purpose of ensuring exceptional quiet and shall include schools and churches while the same are in use, any hospital and any nursing home; provided, that conspicuous signs are displayed on the exterior realty of any such school, church, hospital or nursing home which clearly notifies a member of the general public of its use.

Non-Conformities – A building, structure or use of land existing at the time of enactment of this Resolution and which does not conform to the regulations of the district or zone in which it is situated.

Nude or seminude model studio – Any place where a person, who regularly appears in a state of nudity or semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

Nudity, Nude or State of Nudity – The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

A modeling class or studio is not a nude or seminude model studio and is not subject to this chapter if it is operated in any of the following ways:

- (A) By a college or university supported entirely or partly by taxation;
- (B) By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;
- (C) In a structure to which all of the following apply:
  - (1) It has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing.
  - (2) In order to participate in a class in the structure, a student must enroll at least three days in advance of the class.
  - (3) Not more than one nude or seminude model is on the premises at any one time.

Nuisance – A building or property that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. A nuisance could constitute an offensive activity on a property that reduces the property value of neighboring properties or results in a lessening of normal use and enjoyment to neighboring properties. Examples include, noise, junk, automobile storage, accumulation of rodents and/or insects or mosquitoes, rubbish, refuse, and debris.

Nursery, Nursing Home – A home or facility for the care and treatment of babies, children, pensioners or elderly people.

Nursery, Tree & Plant – A place where young trees or other plants are raised for transplanting and/or for sale.

Nursing Home – A home or facility for the care and treatment of pensioners or elderly people.

Offices – Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, clerical, drafting, etc. Institutional offices of a charitable, philanthropic, financial or religious or educational nature are also included in this classification.

Opacity – The percentage of which the view of a structure or use is left unobstructed.

Open Space – An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts, and other recreational facilities that the Zoning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included. Such land that shall not be developed other than for recreational purposes and may be classified as “Maintained Passive Open Space”, “Unmaintained Passive Open Space” and “Recreational Open Space”. Open Space may be owned by a homeowners or condominium association, by the township or other government agency or public body, or by a third party not-for-profit organization.

- (A) Common Open Space: Open space that is for use by the public at large or limited public use.
- (B) Maintained Passive Open Space: Open space area which is designed or well-suited for passive recreation or aesthetic effect, including but not limited to open fields and meadows which are to be mowed and maintained by the owner or responsible party. Within such areas, trees and vegetation may be planted and structures not incompatible with such purposes may be erected if approved within the development plan. Walking and bike paths may also be permitted. Such Open Space shall not be included within an individual residential lot.
- (C) Private Open Space: Open space that is under the control of a private individual, corporation or other non-public entity or is held for the private use and enjoyment of a private individual, corporation or other non-public entity.
- (D) Public Open Space: Open space that is either under the control of a public body, such as a unit of government, and or that is held for the use and enjoyment of the public at large.
- (E) Recreational Open Space: Open space area which is designed or well-suited for active recreation and accessible by the public, including but not limited to: baseball and soccer fields; jogging, walking and bike paths; playgrounds; outdoor swimming pools; shelter houses and picnic grounds; basketball and volleyball courts; and skating parks. Such Recreational Open Space shall not include private golf courses or commercial sports fields or stadiums or land owned by a public school board. Such Open Space shall not be included within an individual residential lot. Such open space shall be mowed and maintained by the owner or an approved responsibility party.
- (F) Unmaintained Passive Open Space: Undeveloped open space area which functions to: preserve a site’s natural amenities; provide a cover for wildlife; and preserve scenic views, jurisdictional wetlands, floodplains or ravines. Unmaintained Passive Open Space shall be restricted in perpetuity from development with buildings, structures or uses and shall be preserved in its natural state. Within areas designated as Unmaintained Passive Open Space, the natural resources shall remain undisturbed and no topsoil, clay, sand, gravel, rock or minerals shall be excavated or removed therefrom and nothing shall be permitted to occur thereon which would contribute to the erosion of the land and no trees or vegetation shall be cut or removed therefrom except dead, diseased or decayed trees or vegetation as may be required for conservation or scenic purposes or for reasons of public safety. No private encroachment shall occur within such

Unmaintained Passive Open Space including but not limited to: the planting of flowers, shrubs, or other garden materials; dumping of trash, refuse, yard waste or debris; or the installation of any type of recreational equipment or other similar facility or convenience. No dumping or burning of refuse, trash, debris or yard waste shall occur in such Open Space. No hunting or trapping shall occur in such Open Space. No roadway nor any facility of any public utility other than existing roadways and public facilities designated in the development plan shall be constructed or installed therein, and no existing roadway or public utility facility shall be extended or enlarged within such area. Designation of such area shall not be interpreted to interfere with or detract from the use of such Open Space by the owner and their successors in interest for all purposes not inconsistent with the provisions herein. It is the intent of the designation of such Open Space to restrict and prohibit any activity or use which would, as a natural consequence of such, impede or make more difficult the accomplishment of the purpose for which such Unmaintained Passive Open Space is created. Such Open Space shall not be included within an individual residential lot

Orchards – An area of land devoted to the cultivation and sale of fruit trees and the sale of the fruit there from.

Original Tract – A contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners since the enactment of this Resolution.

Oriented – To locate or place a building or structure in a particular direction on a lot or site which shall generally be parallel to the adjacent street.

Parapet – That portion of an exterior wall that rises above the roof.

Parking Space, Off-Street – For the purpose of this Resolution an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

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

Perimeter fences and walls – Those structures used for screening purposes, which shall be designed to be compatible with the related principal structures or buildings on site, including the same or similar colors and materials used on the related principal structures or buildings. Such screen walls shall not be continued for longer than fifty (50) feet without variation by using changes in height, different material combinations, offset angles, or articulation and shall include similar changes along the top of the wall.

Performance Bond (aka Surety Bond) – An agreement by a sub-divider or developer with the Board of Township Trustees for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the sub-divider's agreement.

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

Personal Services – Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, florists, beauty parlors and similar activities.

Pilaster – A shallow rectangular feature projecting from a wall, having a top and base and architecturally treated as a column.

Pocket Park – A park between one-half (1/2) and five (5) acres in size either municipally or privately owned, located internal to developments and providing active or passive recreational opportunities for the residents or business employees and customers of the development.

Pond – Any man made structure in which water is impounded by constructing a dam or embankment or by excavating a pit or dugout. Ponds include retention basins designed to permanently hold water, but does include detention basins designed for short-term water containment. Landscape water features less than one hundred and fifty (150) square feet are also not

included.

Pool Barrier – A fence, wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool

Porch – A covered platform, usually having a separate roof, at an entrance to a dwelling, an open gallery or room, which is not heated or cooled, and that is attached to the outside of a building.

Portico – A porch having a roof supported by columns, often leading to the entrance of a building.

Porte Cochere – A porch, supported by columns, large enough for wheeled vehicles to pass through.

Primary Conservation Area – (a) Any land lying within the bounds of Zone A of a FEMA flood plain map (100 year flood zone), but no less than twenty-five (25) feet from the stream bank of any perennial (water flow most, >50% of the year) stream; (b) Any wetland of one (1) acre or greater in size; (c) Any woodlot of one (1) acre or greater in size; or (d) Any area within 100 feet of the property line of a working agricultural enterprise (qualifying for CAUV).

Printing and Publishing – Any business which is engaged in the printing and/or publishing of newspapers, magazines, brochures, business cards and similar activities either for profit or non-profit.

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

Prostitute – A male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.

Public Service Facility – The erection, construction, alteration, operation or maintenance of buildings, power plants, substations, water treatment plant or pump station, sewage disposal plant or pump station, communications facilities and/or equipment, electrical, gas, water and sewage service, sanitary landfills and other similar public service structures or facilities whether publicly or privately owned.

Public Uses – Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Public Way – An alley, bridge, channel, ditch, easement, expressway, freeway, highway, land, road, sidewalk, street, walk, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

Quasi-public Use – Churches and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature

Real Property Boundary – An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but it does not include intra-building real property division.

Recreation, Commercial – Any business which is operated as a recreational enterprise, either publicly or privately owned, for profit. Examples include, but are not limited to: golf courses, bowling alleys, swimming pools, hunt clubs, campgrounds, tourist attractions, etc.

Recreation, Non-commercial – Any business which is operated as a recreational enterprise, either publicly or privately owned, non-profit. Examples include, but are not limited to: fishing areas, parks, archery ranges, etc.

Recreational Vehicle – A vehicular portable structure that is designed to be used as a temporary dwelling for travel, recreation, and vacation and may be classed as follows. This list is for example only and not meant to be all inclusive:

- (A) Travel trailer – A non-self-propelled recreational vehicle that does not exceed an overall length of 35 feet, exclusive of bumper and tongue or coupling, and contains less than 320 square feet of space when erected on site. “Travel Trailer” includes a tent type fold out camping trailer as defined in section 4517.01 of the ORC.
- (B) Motor Home – A self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleep.
- (C) Truck Camper – A non-self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. “Truck camper” does not include truck covers that consist of walls and a roof, but do not have floors and enables them to be used as a dwelling.
- (D) Fifth Wheel Trailer – A vehicle that is of such size and weight as to be moveable without a special highway permit, that has a gross trailer area of 400 sq. feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.
- (E) Park Trailer – A vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute standard A119.5 (1998) for park trailers, is built on a single chassis, has a gross trailer area of 400 sq. feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities for the operation of installed features and appliances.

Recreational Vehicle Park – A parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recreational Vehicle Site – A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Reflective materials – Any material that returns light, glare, or radiant heat after striking the surface of that material.

Refuse – Combustible and/or non-combustible waste materials.

Regularly features or regularly shown – A consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.

Research, Development and Testing – Establishments, structures, facilities and areas devoted to research, product development and scientific testing whether in connection with the development of new products, the discovery of causes of product failure or malfunction, and specifically including without limitation the conduct of research, development and testing concerning; automotive, vehicular and other forms of transportation; engines, power products and equipment; production equipment; production equipment; any and all other processes related to any of the foregoing; and improved highway facilities for vehicular traffic.

Rib – Any of several members supporting an arch, defining its surfaces or dividing these surfaces into panels.

Right-of-Way (ROW) – A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features required by the topography or treatment (such as grade separation, landscaped areas, viaducts, and bridges).

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

Rubbish / Trash – Combustible and noncombustible waste materials including the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

Salvage Motor Vehicle – Any motor vehicle which is in a wrecked, dismantled, or worn out condition, or unfit for operation

as a motor vehicle.

Scale – The proportional relationship of the size of the building or structure to its surroundings.

Seat – For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

Secondary Conservation Area – (a) Any land within the 500 year flood zone as shown on a FEMA flood plain map, but no less than twenty-five feet from the stream bank of any intermittent stream (water flow 25%-50% of the year); (b) Any wetland of one-fourth to one (1/4 to 1) acre in size.; (c) Any woodlot of one-fourth to one (1/4 to 1) acre or greater in size; (d) Any tree of 100 years of age or more - The area covered by the canopy of any tree of more than two (2) feet in diameter, measured at six (6) feet above the soil line; or (e) Any natural or historic feature that exists on the parcel, as identified by the Zoning Commission, or if on an adjacent parcel, determined to be potentially adversely affected.

Semi-trailer / Sea-land Containers – A vehicle designed or used for carrying persons or property with another separate motor vehicle, so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. A semi-trailer shall not be used for storage, advertising, business, or residence.

Setback Line – A line established by the Zoning Resolution generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code.

Sexual activity - Sexual conduct or sexual contact, or both.

Sexual conduct – Vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

Sexual contact – Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

Sexual Excitement – The condition of human male or female genitals when in a state of sexual stimulation or arousal.

Seminude or State of semi-nudity – A state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual Encounter Establishment – A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration, a place where either of the following occur:

- (A) Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.
- (B) Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.

An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not a "sexual encounter establishment."

Specified Anatomical Areas – The cleft of the buttocks, anus, male or female genitals, or the female breast.

Specified sexual activity – Any of the following:

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

(B) Excretory function as part of the activities described in subpart (1) of the definition of “Specified Sexual Activity”.

Sewers, Central or Group – An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sewers, On-Site – A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sidewalk – That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Sign – Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

Sign, On-Premises – Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.

Sign-Off-Premises – Any sign unrelated to a business or profession conducted or a commodity or service sold or offered upon the premises where such sign is located.

Sign, Illuminated – Any sign illuminated by electricity, gas, or other artificial light including reflection or phosphorescent light.

Sign, Lighting Device – Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

Sign, Ground – A display sign supported by uprights or braces in or upon the ground surface.

Sign, Marquee – A display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.

Sign, Pole – Any sign which is erected on a pole or poles, which is wholly or partially independent of any building for support.

Sign, Projecting – A display sign which is attached directly to the building wall and which extends more than fifteen inches from the face of the wall.

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

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

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

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

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

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

Solid Waste – Any unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations. This includes but is not limited to garbage, combustible and non-combustible material, street dirt,

and debris. This definition specifically excludes earth or material from construction, mining, or demolition operations, and slag and other substances which are not harmful or inimical to public health. For purposes of this definition, "material from construction operations" and "material from demolition operators" are those items affixed to the structure being constructed or demolished, such as brick, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring, and insulation material.

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

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

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

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

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

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

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

Stick-Built – A way of describing any structure built from board of lumber and other building materials, in which a substantial amount of the required material and construction labor are bought together in the final form at the foundation site.

Storage Facility – A structure which is partially open or fully enclosed in which animals, chattels or property are stored or kept

Story – That part of a building between the surface of a floor and the ceiling immediately above.

Structure – Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

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

#### Subdivision

- (A) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners where such sale or exchange does not create additional building sites, shall be exempted; or
- (B) The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by

owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

Subdivision, Minor – A subdivision approved by the Union County Engineer’s Office and the Regional Planning Commission’s designated representative which does not require a plat and which is in conformance with the provisions of the Union County Subdivision Regulations.

Supply Yards – A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

Surety Bond – See Performance Bond

Swimming Pool – A pool, pond, lake, or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager. Farm ponds are exempt from this definition.

Private Swimming Pool – Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel, and accessory use.

Community Swimming Pool – Operated with a charge for admission; a primary use.

Telecommunication Tower – Any structure with radio frequency transmission or reception equipment attached that is free standing or is to be connected to a building or other structure.

Thoroughfare, Controlled or Limited Access – A thoroughfare on the interstate highway system, or any other thoroughfare which is so designed as to carry large volumes of through traffic and preclude traffic flow interruptions normally resulting from turning and stopped traffic. Controlled **or limited access** thoroughfares have no grade crossings and utilize exit and entrance ramps, bridges, merge and exit lanes, and other design features to accomplish unimpeded traffic flow, and are not intended to provide direct access to abutting property. Controlled or limited access thoroughfares shall not be construed as providing lot frontage as required by these Regulations.

Thoroughfare, Major or Secondary – An officially designated Federal or State numbered highway or County or other road designated as a major thoroughfare by the Union County Engineer, or a County or other road designated as a secondary thoroughfare.

Toxic or Hazardous Material – Any substance or mixture by physical characteristic such as flammability, corrosivity, toxicity, reactivity, or infectious characteristics as to pose, a significant or potential hazard to water supplies or human health if such substances were discharged to land or waters of the community or township.

Transient Lodgings – A building in which lodging or boarding are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined. Examples include: hotel, motel, apartment hotel, or Bed & Breakfast

Transport Terminals – Any business, structure or premise which primarily receives or distributes goods.

Travel Trailer – A non-self propelled recreational vehicle that does not exceed an overall length of thirty five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred and twenty (320) square feet when erected on site. “Travel trailer” continues to include a tent-type fold-out camping trailer as defined in section 4517.01 of the Ohio Revised Code. A travel trailer is designed to be used as temporary (not more than 90 days) and shall not be used as a residential dwelling.

Through Lot – See Lot Types.

Transportation, Director of – The Director of the Ohio Department of Transportation

Touching Business – Any adult entertainment establishment that encourages and / or allows physical contact between patrons and employees for the purpose of sexual gratification or stimulation

Use – The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Variance – A variance is a modification of the strict terms of the relevant regulations which such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Veterinary Animal Hospital or Clinic – A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

Vicinity Map – A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in questions.

Walkway – A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

Waste, Construction and/or Demolition – Material from construction or demolition operations are those items affixed to the structure being constructed or demolished, such as brick, stone, glass, wallboard, framing and finishing lumber, roofing materials, plumbing, plumbing fixtures, wiring, and insulation material.

Weekday – Any day of the week (Monday through Friday) that is not a legal holiday.

Wholesale and Warehouse – Business establishments that generally store and sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

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

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

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

Yard – A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front – A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

Yard, Rear – A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

Yard, Side – A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Zoning Certificate – A document issued by the Zoning Administrator authorizing the occupancy or use of a building or structure or the actual use of lots or land in accordance with the previously issued Zoning Permit.

Zoning Permit – A document issued by the Zoning Administrator authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

## Appendix A – Tree Lists

### Preferred / Desired Tree List - Group A – Large

Common Name	Scientific Name
Bald Cypress	Taxodium distichum
Black Gum (Black Tupelo)	Nyssa sylvatica
Bur Oak	Quercus macrocarpa
Chinkapin Oak	Quercus muehlenbergii
Freemani Maple	Acer x freeman
Ginkgo (male)	Ginkgo bilboa
Hybrid Elm	Ulmus x spp.
Japanese Pagodatree	Sophora japonica
Katsuratree	Cercidiphyllum japonica
Kentucky Coffeetree	Gymnocladus dioicus
Lacebark Elm	Ulmus parvifolia
Norway Maple	Acer platanoides
Red Maple (Native)	Acer rubrum
Red Oak	Quercus rubra
Sassafras	Sassafras albinum
Shingle Oak	Quercus imbricaria
Shumard Oak	Quercus shumardii
Silver Linden	Tilia tomentosa
Sugar Maple	Acer saccharum
Swamp White Oak	Quercus bicolor
Sweetgum (northern seed source)	Liquidambar styraciflua
Turkish Filbert	Corylus colurna

### Preferred / Desired Tree List - Group B – Medium

Common Name	Scientific Name
Amur Corktree	Phellodendron amurense
Hedge Maple	Acer campestre
Honeylocust	Gleditsia tricanthos var. inermis
Purpleglow Maple (Shantung Maple)	Acer truncatum
Sargent Cherry	Prunus sargentii
Sawtooth Oak	Quercus acutissima

**Appendix A – Tree Lists (Continued)**

**Preferred / Desired Tree List - Group C – Small**

<b>Common Name</b>	<b>Scientific Name</b>
"Autumnalis" Cherry	Prunus subhirtella var. autumnalis
Flowering Dogwood	Malus spp.
Japanese Tree Lilac	Syringa reticulata
Kousa Dogwood	Corus kousa
Serviceberry	Amelanchier aborea
Apple Serviceberry	Amelanchier x grandiflora
Thornless Hawthorn	Crataegus crusgalli var. inermis

Other species not on these lists must be approved by the Zoning Administrator

**Non-Desirable Tree List**

<b>Common Name</b>	<b>Scientific Name</b>
Box Elder	Acer negundo
Silver Maple	Acer saccharinum
Buckeye, Horsechestnut	Aesulus species
Tree of Heaven	Ailanthus alrissima
Paper Birch	Betula papyifera
European White Birch	Betula pendula
Northern Catalpa	Catalpa speciosa
Ginko (female)	Ginko biloba
Osage – Orange	Machura ponifera
Apple	Malus punila
Mulberry	Morus species
Poplar	Populus species
Bradford Pear	Pyrus calleryana "Bradford"
Upright English Oak	Quercus robur "fastigiata"
Black Locust	Robinia pseudoacacia
Willow	Salix species
European Mountain Ash	Sorbus aucuparia
Moline American Elm	Ulmus Americana "Moline"
Siberian Elm	Ulmus pumila
Green Ash	Fraximus pennsylvanica
White Ash	Fraxinus americana

## Appendix B – Economic Impact Statement

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

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

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



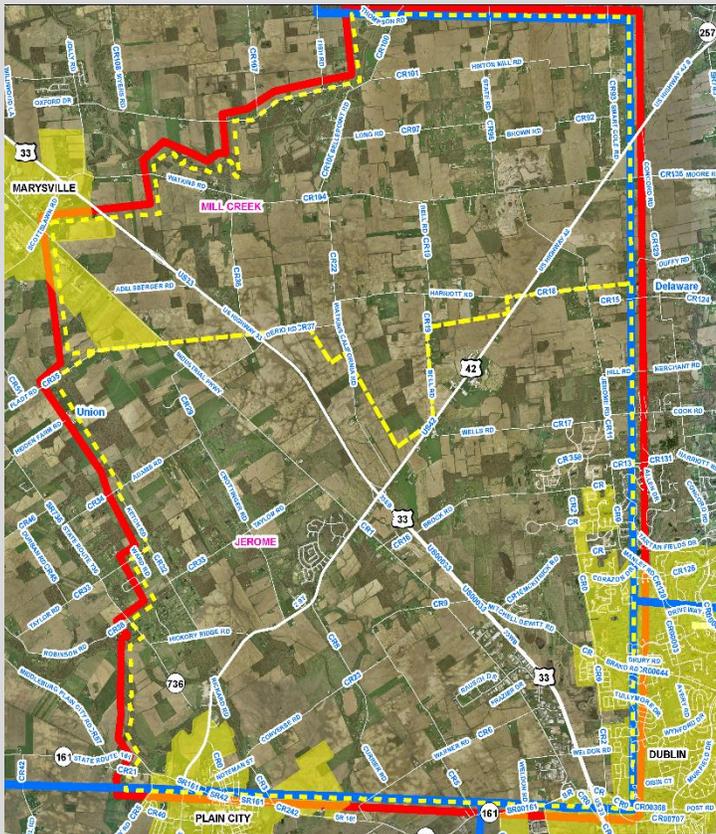
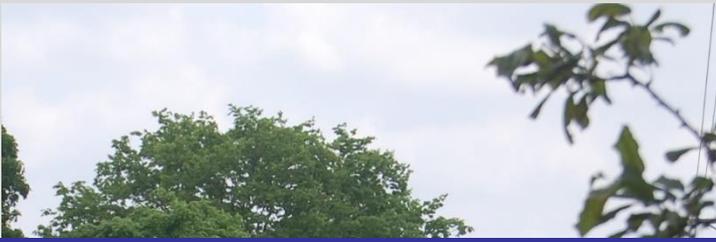
**EASTERN UNION COUNTY  
TRANSPORTATION THOROUGHFARE PLAN**  
May 2016



# DRAFT

MAY 2016

## EASTERN UNION COUNTY TRANSPORTATION THOROUGHFARE PLAN



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Public Involvement Materials

# 1.0 | PROBLEM STATEMENT

## 1.1 Background

The Project Team, with assistance and guidance from Union County, and Millcreek and Jerome Township staff and officials, were tasked to create a Transportation Thoroughfare Plan for the eastern part of Union County, including Millcreek and Jerome townships. To accomplish this task, the Project Team worked with Union County and the townships to develop a Problem Statement, collect and evaluate existing and future conditions information for the area, analyze traffic data, and development alternative scenarios to address the goals of the project in addition to the identified existing and future conditions in the area.

## 1.2 Study Purpose

Union County's Comprehensive Plan, updated in 2013, outlined several transportation goals for the future in response to the rapidly developing area since the 1999 Comprehensive Plan. Goals for the County's future include improved safety and maintenance, the consideration of access management issues, and the inclusion of alternative multi-modal transportation options.

Millcreek and Jerome Townships are located in an area which is currently in flux. United States Route 42 (US-42) runs from Madison County, through Jerome and Millcreek townships, to Delaware County. The prevalence and future development of industry that utilizes US-42 is growing in the area of the Townships and is increasingly responsible for multiple traffic concerns including safety and congestion.

The developing Transportation Thoroughfare Plan for Millcreek and Jerome Townships will include remedies for these concerns and provide a guide with which the Townships can follow to ensure a better transportation system in the future.

## 1.3 Project Goals

Transportation-related issues provide the framework within which goals for this study have been established.

1. Update the 2006 Transportation Thoroughfare Plan to reflect the needs of Jerome and Millcreek Townships
2. Develop guidelines for future growth
  - Identify ways to fold into Township resolutions and investigate the possibility of including verbiage in zoning resolutions
3. Incorporate the idea of trail plans and alternative transportation modes
  - Explore options for bikers that separate the alternative mode from heavy industry traffic to increase safety
4. Improve safety and congestion problems
  - Analyze intersection sight lines and encourage safer traffic patterns
5. Investigate other options as a connector to Columbus

Once the data is collected and several preliminary alternatives and recommendations have been formulated, input from the public will be incorporated in order to develop the best transportation recommendations for the community.

## **1.4 Other Considerations**

Other issues that were taken into account during this study include the impact of any alternatives on surrounding farmland, future expansion of the nearby quarry, local versus regional transportation conflicts, potential impacts of closing Jerome Road at US-42, and impacts on other environmental resources.

Environmental resources taken into account for this study include, but are not limited to, disproportional high impacts on disadvantaged populations, wetlands, water quality, threatened and endangered species, cultural resources, hazardous materials, well-head protection areas, and floodplains. Land use issues taken into account for this study center around the management of long-term growth and sprawl.

## 2.0 | PUBLIC & STAKEHOLDER INVOLVEMENT

This chapter includes details and summaries on the stakeholder activities and the public meeting that took place during the course of this project. Please refer to the **Appendix** for copies of the meeting materials.

### 2.1 Kick-off Meeting

The Kick-off meeting was held on Friday, March 6, 2015 at the Union County Engineer's Office. The Project Team discussed coordination strategies, study goals, and information on transportation needs, planned development, and problems with transportation within the study area. General concerns raised included safety, heavy traffic/congestion, access to US-42, and the presence of bicycle groups along the major roadways. Additional items included:

- Possibility of tying requirements for roadways into zoning
- Bicycling in "groups" not well received, especially on US-42, Harriet, and Watkins Roads
- Integrating input from Jerome and Millcreek townships
- US-42 turning movement can be dangerous with blind/skewed intersections
- Emphasize by-in from public

### 2.2 Stakeholder Meetings

Two Stakeholder meetings were held during the course of the study. One on March 9, 2015 and the other on January 15, 2016. Both meetings were held at the Millcreek Township Administration Building. Attendees included BPS staff, Union County staff, and Millcreek Township staff and officials. Discussions at the first meeting centered around information on transportation needs, plan development, and problems with transportation within the study area. General issues raised included tying zoning to access, zoning commission use of plan to make recommendations, and small parcel development for the long term. At the second meeting, concerns were expressed over use of restricting parcel access to right-in and right-out and needed improvements to the US-42/SR - 33 interchange. More specific issues included:

- US-42 through Jerome Township (and most of the study area) is skewed and creates awkward angles with intersecting roadways
- Significant truck traffic generated by the quarry operation, especially on Watkins Road.
- Difficult (width, traffic speeds) for bicycle traffic to cross US-42
- Regional traffic movement conflicts with local traffic on US-42 and Watkins road from nearby employers (Honda and Scotts)

### 2.3 Public Meeting

A public meeting was held on March 7, 2016 to present and discuss the US-42 plan recommendations as well as alternative scenarios for transportation within the study area. The meeting was held at the Jerome Township meeting hall. Attendees were encouraged to review the proposed alternative scenarios and provide feedback. Comments centered on the need to understand components of the transportation plan and its impact on specific properties.

## 3.0 | EXISTING & FUTURE CONDITIONS

The purpose of this chapter is to collect and analyze existing transportation data. From this data, existing and future transportation conditions that will affect the Study Area can be predicted (**see Exhibits 1 & 2 for Project Location and Study Area Maps**). Once the transportation conditions are established, potential issues and needs can be identified and potential solutions developed and recommended.

### 3.1 Related Studies

Below is a summary of other plans that are relevant to this study, including:

- ▶ 2005: Millcreek Township Comprehensive Plan, prepared by Burns, Bertsch, and Harris
  - 2010: Development and Growth Plan Supplement, Millcreek Township, prepared by Lincoln Street Studio
- ▶ 2006: Southeast Union County Thoroughfare Plan, prepared by the Union County Engineer
- ▶ 2008: Jerome Township Comprehensive Plan, prepared by Bird-Houk Collaborative
- ▶ 2015: US-42 Access Management Study, prepared by Burton Planning Services

#### 3.1.1 Millcreek Township Comprehensive Plan (2005) & Development & Growth Plan (2010)

The Development & Growth Plan was meant to supplement the township's existing Comprehensive Plan. The Plan's supplement was written to address the manner in which the township would like to grow and develop, with a focus on sustainable growth and design features, preservation of natural features and agriculture, and most importantly, having development pay for public services to promote the health of the township's economics.

Recommendations for consideration included provisions for slow growth; emergency medical, fire and police services; schools; and traffic calming features and roadway improvements that meet the County Engineer's standards.

#### 3.1.2 Southeast Union County Thoroughfare Plan (2006)

In 2006, Union County finished the draft Southeast Union County Thoroughfare Plan. This plan focused on roadway classifications, traffic volumes, and basic design considerations, which revolved around the four main goals of the plan:

- ▶ To establish and maintain a highway system as a component of a balanced and integrated area-wide transportation system,
- ▶ To promote the development and maintenance of a safe, effective, and efficient highway system,
- ▶ To promote the development of highway services and facilities which will serve to support the economic growth of the area, and
- ▶ To achieve compatibility between the highway system and land-uses as envisioned by the townships and other jurisdictions.

The plan addressed average daily traffic (ADT) volumes by converting the current and projected (2030) ADT values into lane requirements based on level of service (LOS) "D" requirements, a design

goal for long-term projections. LOS is used to describe how well a roadway operates. The LOS grades range from “A” or perfect operation to “F” which is failing. When projecting ADT volumes into the future, LOS C & D levels are appropriate target grades. The table below was taken from the Southeast Union County Thoroughfare Plan and identifies the daily traffic thresholds used in determining LOS D grades in 2004.

**Table 3-1: Planning Level ADT Thresholds by Facility Type (Table 1 from the Southeast Union County Transportation Thoroughfare Plan)\***

Type of Facility	ADT Volume**
2-lane road without left turn lanes	less than 10,000
2-lane road with left turn lanes	10,000 to 20,000
4-lane road with left turn lanes	20,000 to 35,000
6-lane road with left turn lanes	35,000 to 45,000

\*Assumes peak hour traffic is approximately nine percent of daily traffic with an approximate 60/40 directional split.

\*\*Based on level of service ‘D’ capacities.

The plan also outlined several recommended dimensions for roadway construction based on the type of roadway established according the projected ADT values.

### 3.1.3 Jerome Township Comprehensive Plan (2008)

In 2008, Jerome Township completed a Comprehensive Plan. The plan highlighted the existing Southeast Union County Thoroughfare Plan map, which outlined plans to extend Home Road through US-42 and connect with US-33. Here, an additional interchange would be added, as well as at the McKittrick and Houchard Road extensions.

The plan outlined the classification system for the township’s roadways and inventoried Union County’s capital improvement plans for the township. Access management issues were also mentioned and compliance with the County's 2004 Access Management Plan was recommended.

### 3.1.4 US-42 Access Management Plan (2015)

The portion of US-42 corridor in the Study Area for this plan runs from London, Ohio to Delaware, Ohio and travel directly through eastern Union County. It is the main economic and development driver in the area. The Access Management Plan included recommendations for access point spacing and location, development of frontage and backage roads, realignment/relocation of existing roads, and locations for new roadways. These recommendations are incorporated into this study.

## 3.2 Transportation System

This section includes an overview of the roadways, bridges, and multi-modal facilities in the Study Area.

### 3.2.1 Roadways

The existing roadways within eastern Union County consist of:

- Two United States Routes (US) – US-33 and US-42
- Two State Routes (SR) - SR-161 (also known as Main Street in Plain City) and SR-736
- Multiple county, township, and local roads

Like many rural townships, the roadway system is a series of east-west and north-south corridors. In the Study Area, the system runs on a skew – roadways typically travel southwest-northeast and southeast-northwest. US-33 and US-42 are the major arterials in the area. The other roadways focus on allowing residential traffic to access those two arterials. According to the Ohio Department of Transportation’s (ODOT) 2012 Traffic Report Survey, US-33 is a heavily travelled southeast-northwest corridor, accommodating between 36,000 and 52,000 commuters per day, while US-42 acts as the major southwest-northeast corridor, accommodating just under 10,000 travelers daily.

US-33 is the major east-west expressway, connecting the central Ohio area with Marysville. It also serves as a primary commuter route for workers to access I-270 and Columbus. US-33 crosses through the middle of Study Area. There are two interchanges along US-33 in the Study Area: Post Road/SR-161 and US-42. The limited number of access points allows US-33 to remain the primary route for commuting between residences and Marysville or Columbus. Between the Franklin County line and Post Road, the ADT along this stretch of US-33 is 51,510 vehicles. The ADT’s decrease as US-33 moves west, with an ADT of 40,840 vehicles between Post road and US-42, and 36,410 vehicles between US-42 and Scottslawn Road.

US-33 in northwestern Franklin County is currently under construction. The project will improve the US-33/I 270 interchange to reduce congestion and improve safety in light of recent spikes in traffic due to development around the US-33 Corridor.

Additional interchanges along US-33 have previously been explored by various studies; however, the interchange spacing and traffic volumes may not make these interchange(s) feasible, so additional interchange-specific studies should be performed.

US-42 is the major north-south corridor and bisects the Study Area. The route acts as an arterial, connecting the western and northern parts of the Columbus-metropolitan area, between London and Delaware. There are twenty intersecting roadways along US-42 in the Study Area, also making it the main collector for residences along local routes to access US-33.

### 3.2.2 Bridges

There are 89 total bridge structures in the Study Area (See **Exhibit 3** for bridge inventory). The following is a listing of the 16 key bridges along US-33 and US-42:

**Table 3.2: Key Bridge Inventory**

Route Number	Structural File Number	Structurally Deficient/ Functionally Obsolete	Sufficiency Rating	General Appraisal	Last Inspection Date
33	8001359	-	80.9	6	6/18/2014
33	8001383	SD	83.5	7	6/13/2014
33	8001413	-	51.3	4	6/13/2014
33	8001448	FO	66.1	7	6/23/2014
33	8001472	FO	83.5	7	6/25/2014
33	8001502	FO	91.6	6	6/27/2014
33	8001537	-	91.6	7	6/18/2014
33	8001553	-	58.7	6	6/13/2014
33	8001561	-	92.6	7	6/25/2014
33	8001596	-	92.6	7	6/25/2014
42	8002266	-	94.7	9	5/21/2014
42	8002290	FO	64.4	5	5/21/2014

42	8002312	-	87.7	6	5/21/2014
42	8002355	-	95.0	6	5/21/2014
42	8002371	-	95.0	7	5/22/2014
42	8002428	-	90.7	8	5/22/2014

A general appraisal is an aggregate rating of a bridge’s major structural items. Such items include the superstructure, piers, and abutments. The rating scale ranges between zero and nine, with zero being completely out of service and nine being like new. To be eligible for funding, general appraisal values must have a rating of five or less. Of the 16 major bridges along US-33 and US-42, only two had appraisals of five or less, indicating that these bridges are generally in good condition overall.

The composition of the 16 bridges listed is as follows:

- One bridge (six percent) of the total bridges received a general appraisal rating of four
- One bridge (six percent) received a general appraisal rating of five
- Five bridges (31 percent) received a general appraisal rating of six
- Seven bridges (44 percent) received a general appraisal rating of seven
- One bridge (six percent) received a general appraisal rating of eight
- One bridge (six percent) received a general appraisal rating of nine

A bridge’s sufficiency rating measures a bridge’s overall condition, based on regular required inspections. The rating is used to determine when a bridge is eligible for rehabilitation or replacement. A new bridge would have a sufficiency rating of 100, while a sufficiency rating of less than 50 qualifies a bridge for replacement using federal funds.

Bridges are structurally deficient if they require weight restrictions, require immediate rehabilitation to remain open, or are closed. Bridges are functionally obsolete if they have deck geometry, load carrying capacity, clearance or approach roadway alignment that no longer meet the criteria for the system of which the bridge is a part. Of the sixteen bridges listed above, five (31 percent) were deficient. One (six percent) is listed as structurally deficient, and four (25 percent) were listed as functionally obsolete. These numbers are slightly above the state average of 25 percent of bridges being structurally deficient or functionally obsolete (16 percent functionally obsolete and eight percent structurally deficient), as listed in the U.S. Department of Transportation’s 2014 Deficient Bridges by State and Highway System.

### 3.2.3 Multi-Modal Facilities

Union County does not currently provide fixed-route bus service but does utilize a demand-response system where residents can schedule in-county trips with a minimum 24-hour notice at a cost of two dollars, one way. Out-of-county trips are offered at a cost of twenty dollars round trip, and require a minimum 72-hour notice. The Central Ohio Transit Authority (COTA) has service that extends from Columbus to Dublin and reaches as far as the intersection of SR-161 and Frantz Road, but it does not extend past the Union County border.

Millcreek and Jerome townships have limited shared-use trails and bikeways available. There is currently an off-street trail system in Glacier Ridge Metro Park that extends into Dublin along Hyland-Croy Road, Brand Road, Manley Road, and Avery Road. There are several proposed routes throughout the area, though none have been committed to yet.

The Union County Trail and Greenway Plan has also proposed several on-street routes that include McKittrick Road, Industrial Parkway, Watkins Road, State Road and Converse Road. See **Exhibit 4** for existing and proposed bikeways.

### 3.2.4 Planned Future Transportation Projects

In addition to routine and preventive maintenance projects, ODOT currently has four projects planned within the Study Area in the next four fiscal years:

**Table 3-3: Planned Future Roadway Projects**

PID	Project Name	Fiscal Year	Description
96095	UNI US-33 14.840/8.79	2016	Bridge Repair
96095	UNI US-33 14.840/8.79	2016	Bridge Repair
88615	UNI US-33 18.770	2017	Culvert Reconstruction/Repair
95776	UNI SR-736 1.160	2018	Bridge Deck Replacement

## 3.3 Community Characteristics

This section includes a summary of the demographics and land uses in the Study Area.

### 3.3.1 Demographics

Using U.S. Census data, Millcreek Township analyzed their current and projected population in their 2005 Comprehensive Plan. The 2030 projected population was 2,599 with 959 households. The 2010 decennial census counted only 788 people, far below where the township should be according to the projections. If those trends continue, Millcreek Township will be well below the projections from their 2005 Comprehensive Plan.

Jerome Township expects a significant increase in population. Jerome Township's 2008 Comprehensive Plan projected their population to grow to 3,754 people by 2010. Their projections are so far being exceeded. In 2010, the decennial census had 4,842 people. If Jerome Township continues to grow at this rate, the township will exceed the projected population of 6,304 by 2030.

However, population projections in this area are challenging due to the fluctuating development in the surrounding areas. Dublin continues to grow in the area, but has yet to fully establish residential and business footholds. The current construction of the US-33/I 270 interchange is expected to increase development rates in the area.

See **Exhibit 5** for the population distribution by census block.

### 3.3.2 Environmental Justice

Executive Order 12898 and FHWA Order 6640.23A are in place to ensure that proposed transportation projects do not disproportionately impact minority or low-income populations. According to the 2010 American Community Survey, poverty rates for census tracts in the Study Area do not exceed 5.9 percent. The highest percent in the area is located in tract 506.02 (in Millcreek Township) but is well under the national average of 16 percent according to the U.S. Census Bureau in November of 2012. Minorities in these areas account for 21.1 percent of the population in census tract 506.01 (adjacent to Franklin County and Dublin).

While the census information does not indicate that there are environmental justice populations present within the Study Area, proposed transportation projects should still try to identify any potential populations during the planning stages and ensure recommendations do not have disproportionately negative effects on them.

### 3.3.3 Land Uses

Existing and future land use maps created from MORPC's traffic analysis zones (TAZ) data are shown in **Exhibits 6 and 7**. The land uses are subdivided between agricultural, commercial, industrial, park,

institutional, residential, and water categories. Traffic analysis zones help to identify traffic patterns by separating areas into trip generators based on the zones most predominant use.

As can be seen in the maps, currently the Study Area is predominately agricultural, with some residential and small areas of commercial industrial along US-33 and US-42. In the future, much of the Study Area is expected to develop, including residential throughout and large areas of commercial and industrial along US-33 and US-42, especially at the US-33/US-42 interchange and on the north side of Plain City.

### **3.3.4 Parks & Recreational Areas**

“Section 4(f)” of the Federal Department of Transportation Act (1966) and its revisions (1968 and 1983) protects publicly owned parks and recreation areas that are open to the general public, publicly-owned wildlife and waterfowl refuges, and public or privately-owned historic sites including prehistoric and historic districts, sites, buildings, structures, or objects that have national, state, or local significance, and are listed in, or are eligible for, the National Register of Historic Places. This Study Area has several historic and potentially historic properties as well as public parks and recreation areas within Jerome and Millcreek townships. If any of these resources are anticipated to be impacted as a result of a future transportation project, a Section 4(f) evaluation must be prepared.

## **3.4 Environmental Conditions**

This section includes a summary of the cultural resources, ecological resources, threatened and endangered species, and hazardous materials in the Study Area.

### **3.4.1 Cultural Resources**

Archeological sites and historic structures are throughout Jerome and Millcreek Township. These cultural resources are protected under Section 106 of the National Historic Preservation Act and National Environmental Protection Act (NEPA). Future transportation projects would require studies to identify these resources on a project by project basis. If impacts are anticipated to these resources, coordination with Ohio Department of Transportation and the Ohio State Preservation Office would be required.

### **3.4.2 Ecological Resources**

Jerome and Millcreek Townships are in the Upper Scioto watershed. Within this watershed and the Study Area, exist sub-basins with each having separate permitting requirements; Lower Scioto, Big Darby Creek, and Millcreek Watersheds.

Stream and river data was obtained through the National Hydrography Dataset (NHD), which is maintained by the United States Geologic Survey (USGS). Big Darby Creek, Millcreek, and Sugar Run are the three major streams in Jerome and Millcreek Townships. The Big Darby Creek is a State & National Scenic River. These streams are shown and labeled on **Exhibit 8: Environmental Conditions**. The Study Area has numerous small and potential jurisdictional streams that would require identification, by ecological studies, on a project by project basis.

Wetland data was collected through the Ohio Wetland Inventory (OWI) and the National Wetland Inventory (NWI). These inventories are included in **Exhibit 8: Environmental Conditions**. Jerome and Millcreek townships have numerous mapped wetlands. Both the OWI and NWI mapping includes polygonal water sources that are in the form of retention ponds built near residential developments or large corporate office parks or warehouses.

Floodplain data was obtained through the Federal Emergency Management Agency and shown on **Exhibit 8: Environmental Conditions**. The three major floodplains are associated with Big Darby Creek, Millcreek, and Sugar Run.

Ohio’s Source Water Assessment and Protection (SWAP) program assists communities in protecting their sources of drinking water from contamination. Drinking water source protection areas were designed to safeguard public drinking water supplies by preventing, detecting, and remediating ground water and surface water contamination in a zone around public water supply wells or wellfields.

The Ohio EPA’s GIS database was utilized to identify the drinking water source protection areas within Jerome and Millcreek townships. Mapping of these areas is included in **Exhibit 8: Environmental Conditions**. The Study Area has 11 drinking water source protection areas. For any future transportation project that is within the immediate vicinity of a wellhead protection area, coordination with public water systems should take place, and basic protective measures such as avoiding refueling and maintenance activities should be implemented.

If any of these resources might be impacted as a result of a transportation project, additional studies and permits would most likely be required.

### 3.4.3 Threatened, Endangered and Rare Species

The purpose of the Endangered Species Act is to protect and recover imperiled species and the ecosystem upon which they depend. To receive protection under the Endangered Species Act, “endangered” or “threatened” species must first be placed on the Federal List for Endangered and Threatened Wildlife or Plants. The list of federally threatened, endangered, and rare species for Union county is located in **Table 3-4**. Future transportation projects will have to coordinate with the United State Fish and Wildlife Service and Ohio Department of National Resources to determine presence of species within future transportation project areas.

**Table 3-4: Federally Threatened, Endangered, and Rare Species in Union County**

Species	Common Name	Habitat
<i>Myotis sodalis</i>	<i>Indiana bat</i>	Hibernacula = Caves and mines; Maternity and foraging habitat = small stream corridors with well-developed riparian woods; upland forests.
<i>Myotis septentrionalis</i>	Northern long-eared bat	Hibernates in caves and mines - swarming in surrounding wooded areas in autumn. During late spring and summer roosts and forages in upland forests.
<i>Noturus trautmani</i>	Scioto madtom	Stream riffles of moderate flow over sandy gravel bottom.
<i>Pleurobema clava</i>	Clubshell	Found in coarse sand and gravel areas of runs and riffles within streams and small rivers.
<i>Epioblasma torulosa rangiana</i>	Northern riffleshell	Large streams and small rivers in firm sand of riffle areas.
<i>Quadrula cylindrica cylindrica</i>	Rabbitsfoot	Prefers shallow areas with sand and gravel along the bank and next to shoals, which provide a refuge in fast-moving rivers.
<i>Villosa fabalis</i>	Rayed bean	Smaller, headwater creeks, but they are sometimes found in large rivers.
<i>Epioblasma triquetra</i>	Snuffbox	Small to medium-sized creeks and some larger rivers, in areas with a swift current.

#### **3.4.4 Hazardous Materials**

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The USEPA's EnviroMapper and Envirofacts websites provide geographically searchable online databases compiled from the USEPA's Toxics Release Inventory National Analysis Report, the RCRAinfo database, and the CERCLIS database. Based on information obtained from the USEPA's EnviroMapper and Envirofacts websites (last visited August 12, 2015), approximately 61 sites in the Study Area have been identified as sites of concern. No CERCLIS or Brownfield sites have been identified within the Study Area. The majority of these sites are from the RCRAinfo database and EPA's Toxic Release Inventory. The Study Area has two major clusters of sites of concern. These clusters are located in Plain City and along Industrial Parkway in the southwest corner of Jerome Township. Future transportation projects that can potentially impact or be impacted by these sites of concern would require Environmental Site Assessments.

## 4.0 | ALTERNATIVES DEVELOPMENT

This chapter begins with a planning level capacity analysis that identifies congestion thresholds on various types of roadway facilities and examines levels of traffic congestion found on roadways within the study area. It concludes with the identification of key transportation issues that will be further addressed by the development of alternative scenarios:

### 4.1 Planning-Level Capacity Analysis

#### 4.1.1 Congestion Overview

Level of service (LOS) is the designation typically used to describe how well a roadway operates. Descriptions of LOS grades are primarily applicable to freeway segments, interchange operations, intersections and rural road segments. The Level of service grades range from “A” or perfect operation with little or no congestion to “F” which is failing with high congestion. An LOS E indicates that a facility is basically at capacity and will “fail” if more traffic is added. Travel time and delay increase as LOS decreases. In urban areas, the breakdown points are generally at intersections. At LOS F on average, a vehicle must wait at least an entire cycle of a traffic signal to pass through a signalized intersection.

The general goal when making improvements to transportation facilities is to achieve an LOS C or D in the peak hour during the 20-year life span of the facility. What is acceptable depends on the jurisdiction and nature of the area. Motorists in larger metropolitan areas more readily accept lower levels of service. Increasingly lower levels of service are being accepted during peak periods because of the extra costs associated with providing the extra capacity during a short period and the realization that this produces excess capacity during most of the hours of the day.

#### 4.1.2 Congestion Thresholds

For this “snap shot” of transportation level of service for roadway segments within the Study Area, a general planning-level assessment was performed. Existing (2010 and 2014) and future (2036) no-build traffic volumes were assembled from existing data gathered from various sources, including ODOT and the US-42 Access Management Plan. After gathering the traffic data and assembling it into the 2010/2014 and 2036 years, the level of congestion on each roadway segment was determined based on the number of lanes available on each roadway. A low level of congestion ranged between LOS A and LOS C; a moderate level of congestion was LOS D, and a high level of congestion ranged between LOS E and LOS F. **Table 4.1** below illustrates the thresholds used to establish the level of congestion on the roadway segments.

**Table 4.1: General Planning-Level Congestion Thresholds**

Type of Facility	Max LOS C ADT	Max LOS D ADT	Max LOS E ADT
2-Lane Road	10,000	10,000 - 15,000	15,000
4/5-Lane Facility	20,000	25,000 - 35,000	33,000 - 41,000
6/7-Lane Facility	30,000	35,000 - 45,000	50,000+

Note: These classifications assume peak-hour traffic is approximately 9% of daily traffic with approximately a 60/40 directional split. These thresholds are given as general classifications, which can vary depending on further specifics, such as, turn lanes and crossroad traffic.

### 4.1.3 Analysis Results

Exhibits 9 and 10 show the current LOS of the roadways in the Study Area. The areas highlighted in red indicate highly congested roadway segments; the yellow highlighted areas indicate moderately congested roadway segments; and the remaining roadway segments are expected to experience minimal to no congestion. Table 4-2 below summarizes the change in LOS levels. Exhibit 11 shows the existing and proposed roadway network and projected or future levels of service.

Table 4-2: Roadway ADT

Roadway	Year	ADT	Level of Congestion	2036 ADT	Level of Congestion
US-33 (West of US-42)	2012	36,410	High	50,530	High
US-33 (US-42 to Post)	2012	40,840	High	56,670	High
US-33 (East of Post)	2012	51,510	High	71,480	High
US-42 (SR-161 to SR-736)	2012	8,360	Low	11,610	Moderate
US-42 (SR-736 to US-33)	2012	7,680	Low	10,660	Moderate
US-42 (US-33 to Watkins)	2012	9,170	Low	12,730	Moderate
US-42 (Watkins to Delaware County)	2012	7,690	Low	10,680	Moderate
SR-736 (US-42 to Robinson)	2012	1,850	Low	2,570	Low
Chillicothe (south of US-42)	2010	2,253	Low	3,130	Low
Mitchell-Dewitt (east of Hyland-Croy)	2010	3,528	Low	4,900	Low
Mitchell-Dewitt (Converse to Hyland-Croy)	2010	1,678	Low	2,330	Low
McKittrick (Mitchell-Dewitt to Jerome)	2010	676	Low	940	Low
Jerome (US-42 to Watkins)	2010	1,289	Low	1,790	Low
Jerome (Brock to Blaney)	2010	1,121	Low	1,560	Low
Jerome (south of Brock)	2010	1,937	Low	2,690	Low
Blaney (east of Jerome)	2010	1,602	Low	2,230	Low
Brock (Hyland-Croy to Jerome)	2010	1,082	Low	1,510	Low
Brock (Industrial to Hyland-Croy)	2010	995	Low	1,390	Low
Watkins-California (US-42 to Watkins)	2010	854	Low	1,190	Low

Roadway	Year	ADT	Level of Congestion	2036 ADT	Level of Congestion
Converse (Chillicothe to Mitchell-Dewitt)	2010	413	Low	580	Low
Post (west of Perimeter)	2010	8,958	Low	12,430	Moderate
Post (east of Perimeter)	2010	2,220	Low	3,090	Low
Crottinger (US-42 to Industrial)	2010	345	Low	480	Low
State (Watkins to Hinton Mill)	2010	1,036	Low	1,440	Low
Bellepoint (Delaware to Thompson)	2010	490	Low	680	Low
Hinton Mill (Watkins to Bellepoint)	2010	302	Low	420	Low
SR-161	2014	7,220	Low	10,330	High
Chillicothe	2014	2,140	Low	2,980	Low
SR-736	2014	1,850	Low	2,660	Low
Hickory Ridge	2014	1,060	Low	1,480	Low
Crottinger	2014	340	Low	490	Low
Currier	2014	170	Low	240	Low
New California	2014	2,020	Low	2,820	Low
Monteray	2014	690	Low	970	Low
Industrial South	2014	4,690	Low	6,520	Low
Industrial North	2014	890	Low	1,240	Low
US-33 EB Exit	2014	1,974	Low	2,840	Low
US-33 EB Entrance	2014	3,937	Low	5,640	Low
US-33 WB Exit	2014	4,251	Low	6,080	Low
US-33 WB Entrance	2014	1,783	Low	2,560	Low
Watkins California	2014	3,380	Low	4,700	Low
Wells	2014	490	Low	690	Low
Bell	2014	430	Low	610	Low
Harriott East	2014	1,200	Low	1,680	Low

Roadway	Year	ADT	Level of Congestion	2036 ADT	Level of Congestion
Harriott West	2014	190	Low	270	Low
Jerome East	2014	1,540	Low	2,140	Low
Jerome West	2014	1,660	Low	2,310	Low
Watkins West	2014	2,440	Low	3,400	Low
Watkins East	2014	1,410	Low	1,970	Low
Smart-Cole	2014	670	Low	940	Low

The traffic data shown in **Table 4-2** indicates that the area of SR-161 in Plain City is projected to see high levels of congestion, and the US-33 corridor will continue to experience high levels of congestion. Additionally, US-42 in the Study Area will see increased congestion levels, resulting in low to moderate delays. An increased rate of development along the US-33 and US-42 corridors, beyond that which is forecasted, may create higher levels of congestion in excess of what current projections indicate. In addition to the above roadway segments, there are individual intersections that will experience congestion and delay as traffic volumes increase.

#### 4.1.4 Conclusions

The following are key transportation issues that will be further addressed by the alternative scenario development:

- ▶ Continued and increasingly-rapid development will increase congestion levels along the US-33 and US-42 corridors over the next twenty years.
- ▶ The US-42/US-33 interchange will become a major traffic area by 2036.
- ▶ The roadway network in Millcreek and Jerome townships consists of grid-like street designs with arterial and collector hierarchies for commuters. This pattern provides an excellent starting point for directing future development and limiting potential congestion.
- ▶ Land use within the Study Area continues to dictate transportation patterns. Because of these changes in land use and transportation, planning should be coordinated.
- ▶ Jerome and Millcreek townships are experiencing different growth patterns. Recommendations will complement both areas.

## 4.2 Alternative Scenarios

### 4.2.1 Identification

The alternative scenarios for this study were identified following the below steps:

1. Consider information from the Problem Statement (Chapter 1), stakeholders (Chapter 2), and existing and future conditions (Chapter 3)
2. Perform a planning-level capacity analysis on existing roadways (Section 4.1)
3. Incorporate relevant US-42 Access Management Study recommendations
4. Assess the 2006 TTP and identify needed/desired adjustments
5. Identify scenario types
6. Discuss scenarios with the County and townships and revisit as needed

Two planning scenarios emerged from this process:

- ▶ **Alternative 1: With Derio Road Interchange Scenario** – includes an interchange north of US-42 on US-33, generally shown in the area where Derio Road crosses over US-33
- ▶ **Alternative 2: Without Derio Road Interchange Scenario** – does not include a proposed interchange in the Derio Road overpass area

These two scenarios became the working alternatives for the study. As the process progressed, the only physical difference between the two scenarios was the inclusion of an interchange. The proposed roadway network is the same in each alternative. However, given the presence of an interchange in Alternative 1, the functional classification of the proposed Home Road extension via Derio Road west of US-42 is upgraded one classification to a Minor Arterial. This difference illustrates the importance of the interchange connection and the likelihood that the Home Road extension would carry increased traffic volumes due to the interchange location. In Alternative 2, without the interchange, the Home Road extension is classified as a Major Collector illustrating its importance as an east-west route but not as important as a route that would offer a direct connection to US-33. In Alternative 2, Home Road would likely have less traffic than in Alternative 1.

The goal in any forward-looking transportation thoroughfare plan is to develop a balanced network of mode and route choices that can respond to development and traffic demand pressures. By establishing a network of hierarchical routes and mode choices, no single route becomes overburdened and the investment made in the transportation network will have a longer service life. This result is accomplished by examining access and connectivity throughout the area in an attempt to distribute the traffic by providing convenient, logical route choices. These route choices do not require repeated turns onto intersecting routes or “zig-zagging” through the network to travel east-west or north-south.

The area currently has a grid network, but the grid lines (roadways) are not continuous in most cases, and the major through routes – US-33 and US-42 – intersect the grid diagonally, causing a large number of skewed intersections. The grid alignment north of US-33 has a more north-south orientation while the grid alignment south of US-33 is more diagonal, running on a northeast-southwest direction. Besides the U.S. routes, Industrial Parkway, Watkins Road and Jerome Road are the only routes that travel through the entire length of the study area.

The 2006 TTP recommended providing better route connectivity and links to US-33. However, due to the access management plan ODOT has developed for the US-42 corridor, some of the recommendations in the 2006 plan no longer apply. Another feature of the plan was the split interchange at US-42 and US-33. The Ohio Department of Transportation (ODOT) and Federal Highway Administration (FHWA) no longer approve the use of split interchanges. This policy change is what led to the development of the two alternatives and the altered alignment of the proposed Home Road extension. The presence of an interchange south of the US-42 interchange was maintained since many transportation plans covering that area show that interchange as a future need. Due to US-42 recommendations and changes in development pressures, the area east and west of US-42 to the north of US-33 was altered. The primary alterations include: alignments for Home Road, Eversole Parkway, and Wells Road; a collector parallel to US-33 between Watkins Road and Derio Road; parallel “backage” roads along US-42 where possible; and the extension of Hyland-Croix north to connect with a re-aligned Watkins Road. Almost all of the intersection locations along US-42 were altered either via closures or relocations in order to align with the proposed intersection spacing prescribed in the US-42 Access Management Study.

#### **4.2.2 Functional Class**

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All highways, roads, and streets form a hierarchy according to their planned function. They serve traffic mobility, land access, or some combination of these two functions. Interstates and

expressways are at the highest level; their primary function is mobility, so they have the strictest access controls. At the other end of the scale are local streets serving low traffic volumes at low speeds over short distances. Their primary purpose is to give frequent, direct access to adjacent land, so restrictions are minimal.

Between these extremes are the classes of arterials and collectors that make up the bulk of the system. They include many of the most important roadways in Union County and they are often expected to perform multiple and conflicting traffic services. They must serve both the demand for mobility and the demand for land access.

The County's 2006 TTP recognized five basic roadway functional classifications:

1. Major Arterial: Carries regional traffic, links cities, and carries long-distance statewide trips. This class of roadway typically services truck traffic.
2. Minor Arterial: Carries local and regional traffic, links communities, and carries intermediate and long-distance trips. This class of roadway also typically services truck traffic.
3. Major Collector: Collects and distributes traffic to arterials. They also provide access to specific traffic destinations, allow easy movement from one neighborhood to another, and provide cross-town traffic movement.
4. Minor Collector: Takes traffic from local roads, carries it a short distance, and distributes it to arterials and major collectors.
5. Local: Provides access to individual properties that abut the street.

This study has maintained those classifications, as shown on the thoroughfare plan maps.

Development in the planning area is expected to occur in southeast Millcreek Township and Jerome Township in conjunction with the continued growth of the Dublin area north and west into Union County. It is the strong desire of Millcreek Township to protect the rural character of the township and reduce the traffic pressure on Watkins Road by limiting growth to the southeast and areas adjacent to US-42. This is reflected in the functional classification of the roadways on the thoroughfare maps, or **Exhibits 12 and 13**.

#### **4.2.3 Access Management**

The County's Access Management Regulations were adopted for the purposes of promoting traffic safety and efficiency, maintaining proper traffic capacity and traffic flow, reducing vehicular crash frequency, minimizing the future expenditure of public revenues, and improving the design and location of access connections to County and Township roads while at the same time providing necessary and reasonable ingress and egress to properties along those roads. The Access Management Regulations establish the standards necessary to properly manage access to County and Township roads in Union County and to satisfy the purpose of Chapter 5552 of the Ohio Revised Code.

Along the State and U.S. routes in the study area, ODOT manages access to the roadways and thus the need to marry this plan's recommendations with the US-42 Access Management Plan.

In addition to the ODOT access management requirements, Millcreek Township preferred not to have right-in, right-out access along US-42 as part of their development plan review. Their goal is to have all access via backage or side road entries that then connect to US-42 at the designated signalized intersection locations.

#### 4.2.4 Multi-Modal Improvements

A new component of the TTP not included in the 2006 version is the recently completed Greenways and Bikeway Master Plan for the County. These existing and proposed facilities are now shown on the thoroughfare maps with the roadways to provide a complete transportation network map.

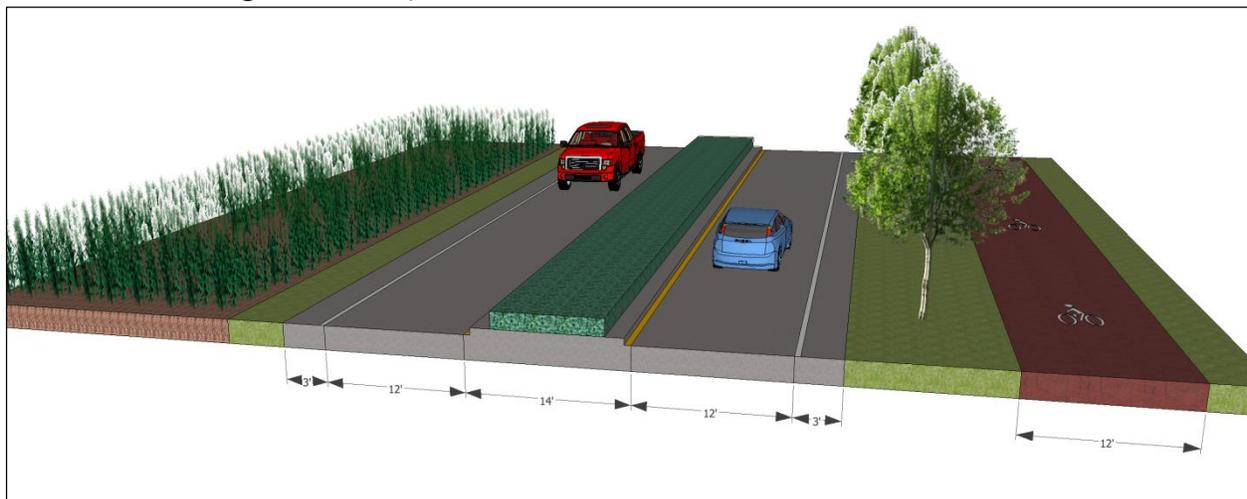
##### Bicycle & Pedestrian Facilities

New bicycle and pedestrian facilities should be considered to complete the regional connections through the area and to provide connection between and within the numerous rural communities. These recommendations include:

1. **New shared-used path** adjacent to US-42 from SR-745 south through the US-33/US-42 interchange and terminating at SR-161 in Plain City in order to help serve and accommodate the large amount of future residential and commercial growth anticipated in this area (see **Figure 4.1** for a sample rendering).
2. **Existing shared-use path extension** on Home Road, if Home Road is extended west to intersect with US-42, with a possible northern connection to Ostrander.
3. **Village of Plain City Sidewalks & Bicycle Facilities:** Within the Village of Plain City, there are existing sidewalks and planned bicycle routes. The gaps in the existing sidewalk network should be completed. In addition, pedestrian and bicycle crossings should be installed where needed. Along US-42, depending on right-of-way constraints, bicycle lanes or sharrows (a shared lane marking), could be installed due to the lower speed limit of US-42 through the village.

Right-of-way should be acquired in anticipation of these facilities in order to provide enough space to them, either now or in the future. In addition, safe crossings of US-42 and other similar routes should be identified and enhanced to accommodate bicyclists and pedestrians, such as at signalized intersections or pedestrian-actuated signals. Safe pedestrian and bicycle crossings should also be considered at future roundabouts.

**Figure 4.1 - Proposed US-42 3-Lane Section with Shared-Use Path**



##### Additional Facilities

- ▶ **Paved Shoulders:** Along US-42 and many routes within the study area, bicyclists must either ride in the vehicle lanes or on unpaved shoulders. A minimum of four feet of paved shoulder should be provided along US-42 and similar routes to create a rural, on-road but separated bicycle facility. On-road bicycle facilities can co-exist with existing and future off-road facilities and caters to different levels of cyclists. In addition, this paved shoulder would improve the

roadway safety for all users and are often a cost effective approach to increasing bicycle facilities.

## 5.0 | RECOMMENDATIONS

The following chapter recommends roadway details and right-of-way widths by typology and identifies the new roadway segments necessary to complete the transportation network within the study area. Also included in the recommendations are adjustments to local development regulations and potential funding from sources to assist in implementing the plan.

### 5.1 Design Standards

#### 5.1.1 Roadway Typologies & Right-Of-Way Widths

The purpose of defining a physical design characteristic for a street or roadway is to provide a set of standards for pavement widths and right-of-way requirements to properly accommodate the needed number of travel lanes and desired conditions beyond the travel way. These conditions can include open ditch or curb and gutter drainage, the presence of a median, on-street parking, sidewalks, bikeways, and tree lawns. The applicable right-of-way width must then accommodate the travel way and the desired adjacent conditions.

The proposed right-of-way widths associated with each functional class has been increased over the proposed 2006 TTP right-of-way widths to allow additional room in the right-of-way to provide multi-use trail facilities, wider medians, widened shoulders (for bicycles, farm machinery, etc.), or bike lanes. Setting aside this additional area also provides room for landscaped screening, drainage areas, lighting, or additional utility setbacks. The associated right-of-way widths are proposed as follows:

- ▶ Major/Minor Arterials – 120-foot right-of-way
- ▶ Major Collector – 100-foot right-of-way
- ▶ Minor Collector – 80-foot right-of-way
- ▶ Local Roads – 60-foot right-of-way

These recommendations are for new roadway segments and right-of-way set-aside opportunities due to redevelopment of parcels and are not meant to convey the need to buy additional right-of-way along existing routes unless needed by a planned roadway project. The County Engineer should adjust these dimensions, as needed, to best fit unique situations and conditions.

**Figures 5.1 through 5.4** on the following pages illustrate how the right-of-way could be utilized under each typology classification.

Figure 5.1: Major/Minor Arterial – 120-foot right-of-way

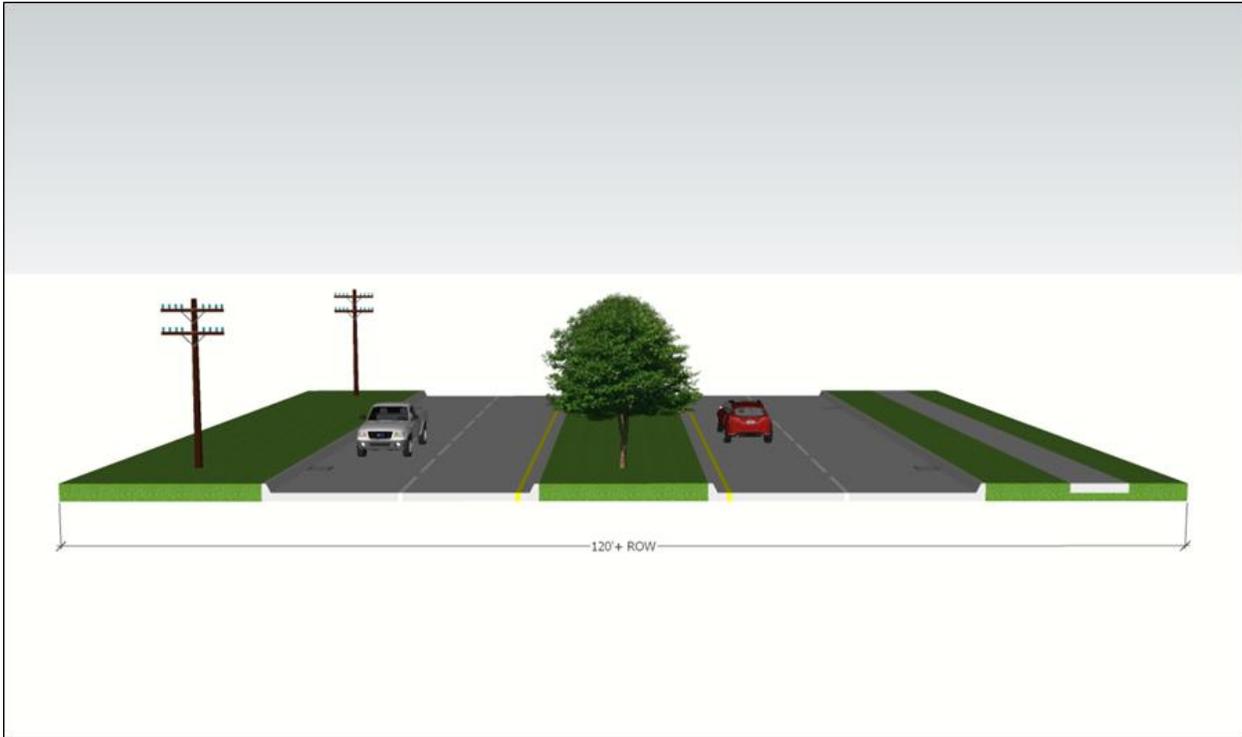


Figure 5.2: Major Collector – 100-foot right-of-way

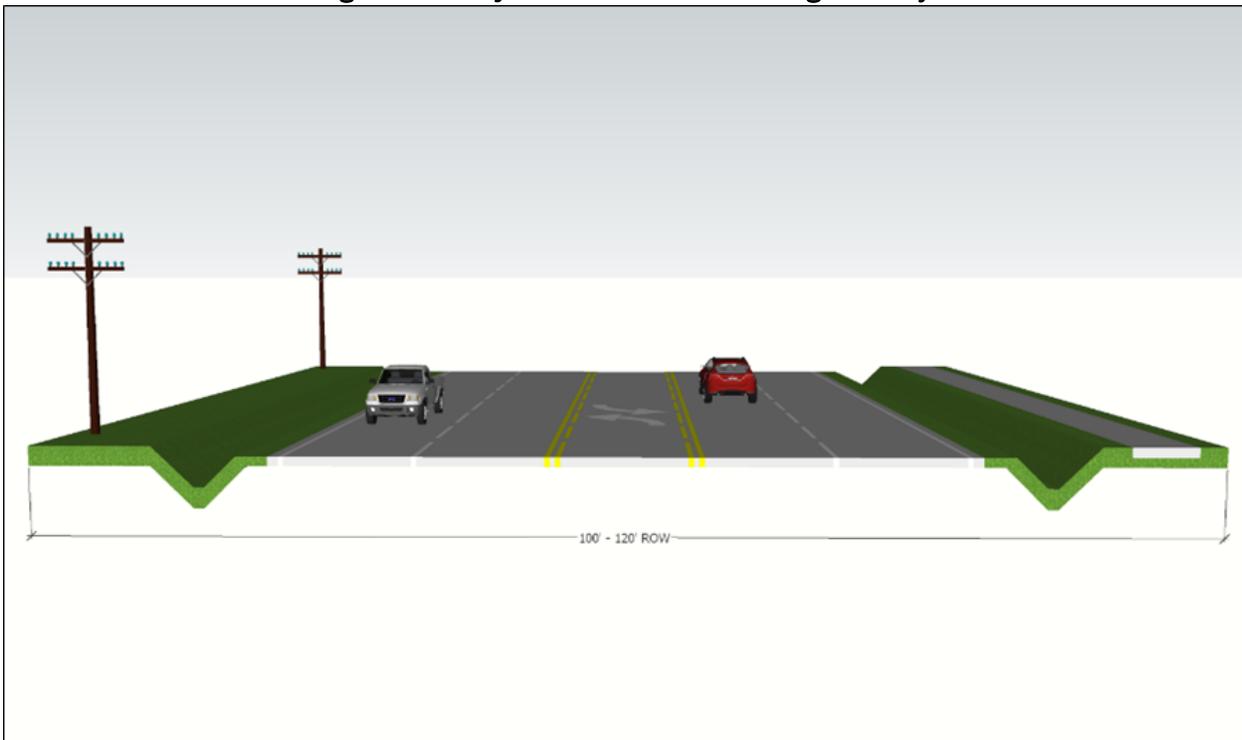


Figure 5.3: Minor Collector – 80-foot right-of-way

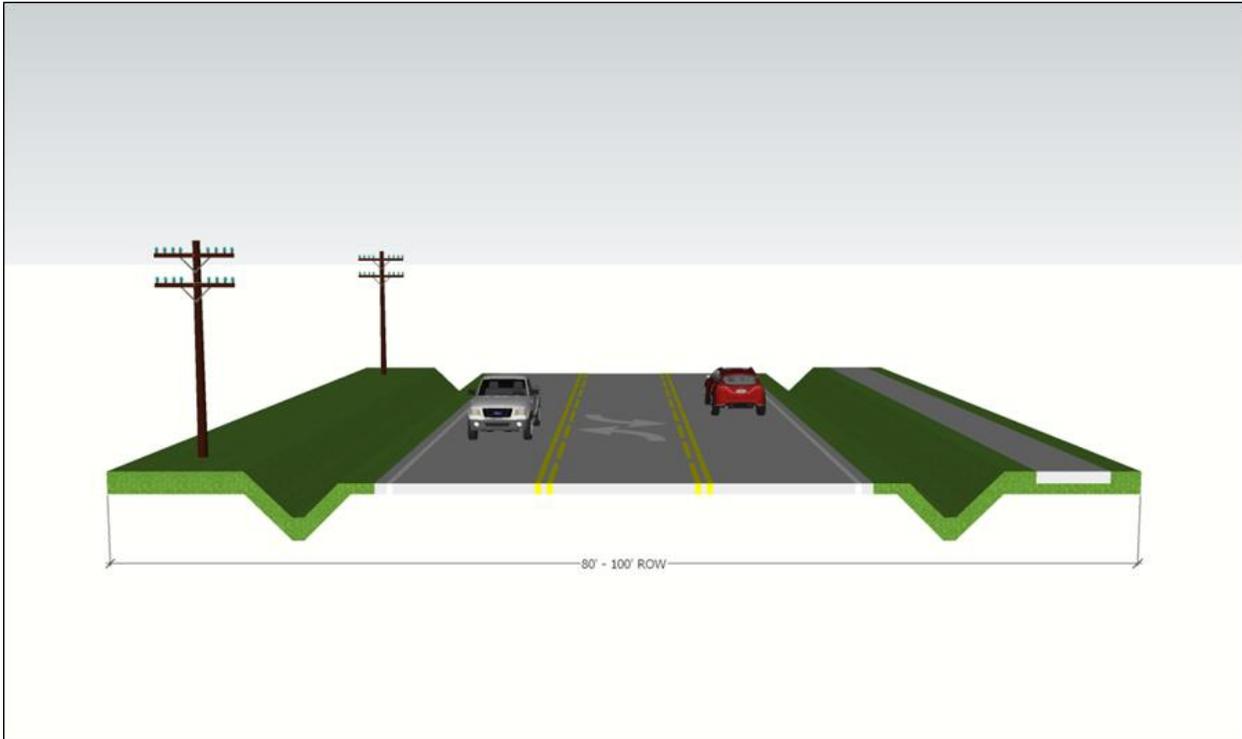
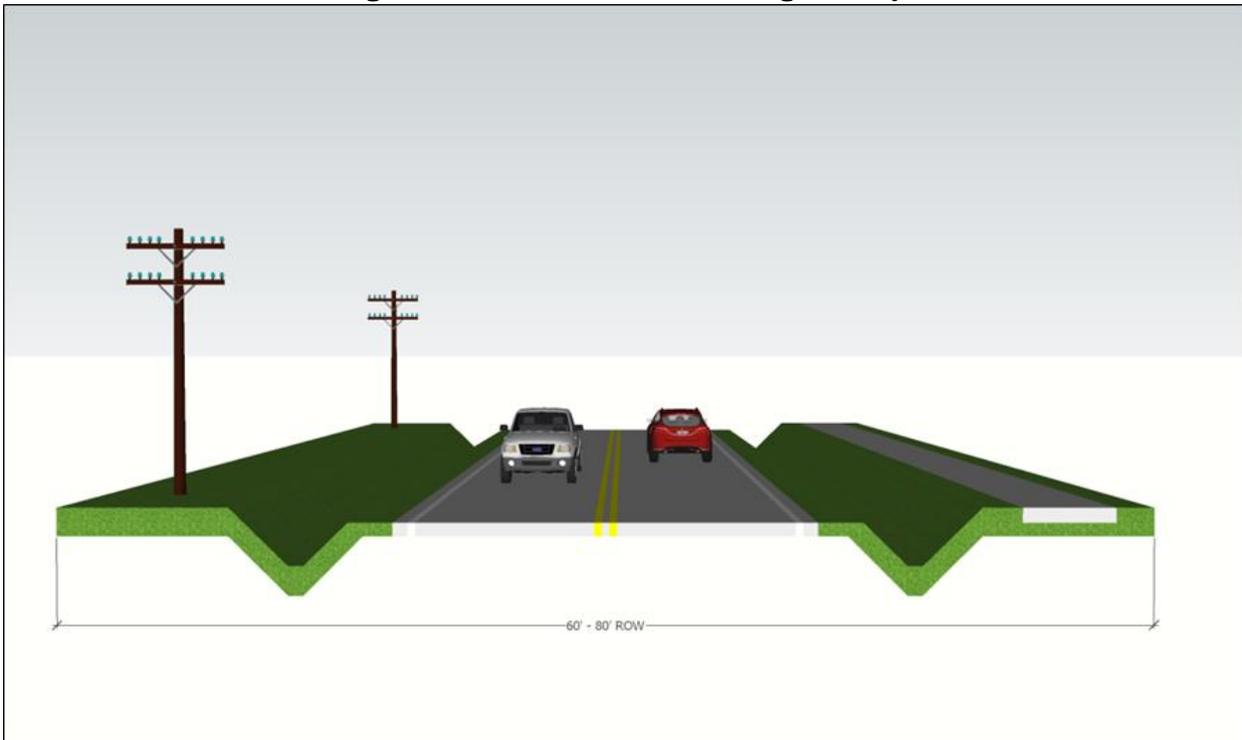


Figure 5.4: Local Roads – 60-foot right-of-way



### 5.1.2 Roadway Details

The updated thoroughfare maps (Exhibits 12 and 13) and Table 5.1 below provide more detail on the roadway recommendations.

**Table 5.1: New Roadway Segments**

Roadway	Segment	ROW Width	# of Lanes	Capacity 2036 ADT	Funding	Priority
<b>Minor Arterial – Alternative 1</b>						
Home Road Extension	E. Union Co line to Derio Road to Industrial Parkway	120'	4-5+	20-35,000	Private	Low
<b>Major Collector – Alternatives 1 &amp; 2</b>						
Hyland-Croy Extension	Wells Rd to Watkins Rd	100'	2-3	10-20,000	Private	High
Watkins Rd Re-alignment @ US-42	Intersection relocated south on US-42	100'	2-3	10-20,000	Private	High
<b>Minor Collector – Alternative 2</b>						
Home Road Extension	E. Union Co line to Derio Road to Industrial Pkwy	100'	3-5	20-35,000	Private	Low
<b>Minor Collector – Alternatives 1 &amp; 2</b>						
New Industrial Rd	Derio Rd to Watkins Rd	100'	2-3	10-20,000	Private	Low
Crottinger Rd Re-alignment	Sugar Mill Ln to Industrial Pkwy	80'	2	<10,000	Public/Private	Low
Crottinger Rd Re-alignment	Taylor Rd to US-42	80'	2	<10,000	Public	Low
Watkins-California Rd Re-alignment	West of US-42 and extension to Brock Rd	100'	2-3	10-20,000	Public/Private	Med
Bell/Wells Rd Re-alignment	Relocate intersection north on US-42	100'	2-3	10-20,000	Public/Private	Med
Ewing Road	Mitchell-Dewitt Road north to Jerome Rd	100'	2-3	10-20,000	Private	Low
Houchard Rd Extension	Post Rd west and north to US 33, north to McKitrick Rd	80'	2-3	10-20,000	Public/Private	Low
<b>Local Roads</b>						
Residential Use	Various extensions	60'	2	<10,000	Private	Low-Med
Commercial Use Backage/Service	Parallel to US-42; Industrial Pkwy	80'	2-3	10-20,000	Private	High

**Number of Lanes & Capacity:** for new roads, roads with new alignments, or new roadway connections, the number of lanes and traffic volumes are a rough estimate based on the expected size of the facility (proposed functional classification). Each of these roadways will be studied and sized appropriately by future engineering studies when the need arises. Where projected traffic exists from the earlier traffic section of this plan, those numbers were added to the table.

**Funding & Priorities:** A priority ranking of Low, Medium or High was given to each new or altered facility. This ranking provides some level of expectation regarding order of development. However,

since the majority of these proposed improvements will be constructed in conjunction with private sector development, the priority will shift based on opportunity and development/traffic demand. Given the shrinking public funds for transportation projects, the proposed improvements that require public finding will also see their priority shift based on need and available funding sources. The priority ranking also factors in a level of qualitative cost comparison. For example, the Home Road extension is an example of a high cost improvement with low need currently (new road on new alignment: high cost, low need). In comparison, realigning Watkins Road or installing new backage roads are much lower cost improvements (so more practical to implement) with a higher need which pushes their priority higher (low-cost, high need, high benefit).

## 5.2 Zoning & Development Standards

The following recommendations were initially developed for the US-42 Access Management Study and have been updated for this study. Implementing these recommendations will not only help traffic flow along US-42, but improve traffic conditions on most east Union County roadways.

Zoning controls are widely accepted as an effective method of handling traffic movement. The most common elements to control are:

1. **Zoning classifications:** Parcels can be upzoned or downzoned to have the intensity of the property match the roadway's characteristics.
2. **Parcel access controls:** Regulations regarding inclusion of direct access to major roadways can help manage the number of access points in a corridor, included mandating shared driveways for adjacent parcels.
3. **Alternative road access:** Parcel access can be restricted to nearby access roads or backage roads.
4. **Side-loading for properties:** Provides easier access to backage roads and allows the ability to change property frontage to the backage road.
5. **Building setbacks:** Allows for buildings to be built be closer to right-of-way so backage roads or rear-facing buildings would be more feasible from a site design perspective.
6. **Local street connectivity:** Allows alternative circulation routes independent of a major corridor like US-42, thereby decreasing dependence on the corridor for shorter trips.

The most effective way to implement changes to these elements of the zoning code for the purpose of access management is to develop a corridor overlay district for selected corridors. A zoning overlay district would ensure that only parcels along the corridor are required to adhere to the changes, without the need to create new zoning classifications or modify the existing zoning regulations which may work well for all properties other than those with corridor frontage. Additionally, overlays can require additional oversight to protect certain land uses by restricting certain development altogether and ensure that permitted development occurs in the manner that is intended. While the corridor changes its profile, both existing and future, throughout the corridor, these elements can be applied to most, if not all, of the different segments.

### 5.2.1 Zoning Classifications

An upzoning of a property entails changing the zoning classification to a more intense use of the property (i.e. agricultural to residential or residential to commercial). Likewise, downzoning means changing the zoning of a property to a less intense land use (i.e. residential to agricultural or commercial to residential). Rezoning can be a useful way to achieve the desired profile of a corridor by concentrating traffic volumes in certain areas, which consequently relieves congestion in other areas.

The land uses along the corridor, existing and planned, are already generally consistent with good land use policies for high mileage corridors: dense, clustered development nodes interspersed with rural, agricultural segments.

Development may be expected to encroach into the rural areas from the development nodes, but rezoning should be used sparingly and only after a thorough design review. Rezoning should only be permitted on properties that are immediately adjacent to the desired zone classification to limit the amount of development spread and ensure dense nodes of development to protect the agricultural properties.

Because of the number of turning movements associated with access to a single-family residential parcel, the overlay should also consider including a provision that prohibits single family residential as a permitted use on agriculture property with frontage on roadways like US-42. Doing so would ensure no additional single-use driveways are built along the corridor and reduce the amount traffic, especially in the rural segments with residential frontage on roadways like US-42. The provision should be considered to include an amortization period for existing residential properties along the corridor. The period would result in the current land use being permitted as a non-conforming use until the property changes ownership, at which point, the protective overlay would take effect and prohibit residential use. Doing so however, would be considered eminent domain and would require compensation in the amount of the difference between the property value as a residential land use and the property value as an agricultural land use.

### 5.2.2 Parcel Access Controls

Parcels which are eligible for direct access to routes like US-42 should be limited to one access point, and that access should not exceed the recommended driveway dimension guidelines. Semi-circle or horseshoe drives should also be strictly prohibited, along with any other driveway type whose design allows for more than one point of entrance to the roadway, regardless of the number of driveways. These countermeasures will help to manage and limit the number of access points along the corridor, which will in turn assist in reducing frequent slowing and speeding of traffic. Steady traffic flow on routes like US-42 can improve unsafe driving conditions and congestion. Access management recommendations regarding property access to the state highway system are outlined in the Ohio Department of Transportation’s Access Management Manual. Zoning regulations should include provisions to regulate the manner in which properties are accessed in accordance with this manual. See **Table 5.2** for the recommended basic driveway dimension guidelines.

**Table 5.2 - Recommended Basic Driveway Dimension Guidelines**

Type	Farm/Field		Residential		Commercial		Industrial & Retail	
	Single-Unit Truck		Passenger Vehicle		Single-Unit Truck (WB=30')*		Semi-Trailer (WB=50')*	
	Min (ft)	Max (ft)	Min (ft)	Max (ft)	Min (ft)	Max (ft)	Min (ft)	Max (ft)
One-Way	-	-	12	14	14	20	14	26
Two-Way	14	20	12	24	26	32	26	38
Right-Turn Radius	25	35	15	25	25	35	35	75

Source: ODOT Access Management Manual

\*WB = wheel base width

In addition, zoning regulations can include provisions that promote shared driveway easements onto major roadways. As a method to reduce the number of drives, such provisions can include

requirements for access drives to be located near adjacent property lines, along with requirements and incentives to encourage shared driveways. Incentives vary and can include measures such as partial tax abatements and waiving portions of development or property fees. The benefits of shared driveway easements are reciprocal. Property owners get monetary benefits, while the community sees a reduction in the number of access points along heavily travelled roadways. The shared driveway easement benefits should only be available to adjacent properties that both have no other means of access other than directly to US-42 and similar roadways in East Union County. Otherwise, access should be limited to secondary or backage roads, in which case shared driveways would provide a smaller amount of benefit to the community.

When eliminating common uses at a certain density within a community, such as residential, communities should consider permitting them elsewhere as part of another zoning classification in order to have options for people who want to live and or work in the community. Agricultural District zoning in Ohio where shared parcels are common typically does not have as many restrictions or standards for controlling access.

In addition to limiting driveway access for properties, the recommendations below are provided for each of the individual jurisdictions, related to allowable uses in agricultural districts.

- ▶ Jerome Township: In the Rural (U-1) District, consider removing very low density residential uses from the list of permitted uses, as well as removing enclosed storage facilities, limited business, and home occupations from the list of conditional uses. With development planned in the near future around the US-33 interchange, it will be vital to include this countermeasure. The focus would be on the business and office centers.
- ▶ Millcreek Township: In the Farm/Residential (U-1) District, consider removing single family dwellings, home occupations, adult family homes, and daycare facilities from the list of permitted uses. Also consider removing commercial recreation, veterinary services, and bed and breakfast lodging from conditional uses. Millcreek Township should consider adding this countermeasure to the US-42 zoning overlay in order to limit access drives along US-42 for new residential properties if they remain a permitted use in the U-1 zones.

### **5.2.3 Alternative Road Access**

Some zoning regulations have elected to prohibit direct access to a roadway when other reasonable means of access are available. This method of managing the number of access points along a roadway is both effective and recommended in the State Highway Access Management Manual.

Alternative access can include secondary roads or side streets, and backage roads or utility drives that run behind the properties. Backage roads, utility drives, and secondary road driveways not only limit the number of access points along the corridor, but also act to funnel traffic through the pre-existing intersections. As traffic volumes increase, signals can be installed which would allow the flow of traffic and congestion to be managed, whereas that degree of management would not be possible with multiple, low-volume access points along US-42 and similar roadways in East Union County.

While communities can build backage roads and utility drives ahead of development, a reduction of impact fees can also be offered as an incentive for developers to include alternative roads in development plans on their own accord. If the roads are built at a later date, existing access points that are direct can be prohibited in lieu of the new backage road access. The additional alternative-road parcel access recommendations below are provided for each of the individual jurisdictions:

- ▶ Jerome Township: Planned developments should be required to divert traffic to local roadways whenever possible. Existing access points onto US-42 should be combined when possible and removed when a local street access point is available. Backage roads would also be more difficult to construct here. Business properties want the visibility of US-42 frontage at the US-33 interchange. This issue would require placing more importance on

shared access drives and drives onto the local side streets.

- ▶ Millcreek Township: With development along this segment of the corridor at a minimum, keeping access drives off of US-42 is extremely important to ensure the continued flow of traffic. Existing access points onto US-42 should be combined when possible and removed when a local street access point is available. Backage road easements will be very important here to ensure that any future development will not have any problems finding alternative access.

#### **5.2.4 Side-Loading for Properties**

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Side-loading, as it pertains to commercial and industrial properties, refers to locating the parking and/or garages on the side of the building as opposed to the front of the building. Zoning regulations could include provisions that would prohibit locating parking and garages on the portion of the property that is adjacent to US-42 and similar roadways in East Union County. The side-loaded parking lots would encourage the development of backage roads in two ways: promoting the use of backage roads and creating reverse frontage opportunities.

Requiring side-loaded parking lots would reduce the distance from an existing or proposed backage road, which would decrease the cost associated with building the driveway. Reducing the cost of driveway development could encourage businesses and developers to be more supportive and proactive in the development and usage of backage roads. Side-loading also opens the possibility of designing properties to front the backage road, otherwise known as reverse frontage.

In terms of residential properties, side-loading refers to the direction that the garage faces; the side. Likewise, rear-loading refers to garages which face the rear. Zoning could also regulate the loading directions of garages. The benefits for residential properties are similar to commercial and industrial properties, with the additional benefit of beautification. Side-loaded garages would locate the garage on the side of the residence and behind the façade, so that the garage is no longer a prominent feature of the building's frontage. This feature would allow homes to better adjust to a transition from accessing US-42 and similar roadways in East Union County in the "front" to accessing a backage road in the "back."

#### **5.2.5 Building Setbacks**

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This recommendation ties in and supports the above options by either requiring a smaller setback or allowing for more flexibility with the building setbacks in the zoning code. Building backage roads would be easier if buildings are placed closer to US-42 and similar roadways in East Union County, thus allowing for more open area in the rear of the parcel for a service road, for rear-facing garages and loadings area, for parking lots located behind the building, etc.

#### **5.2.6 Local Street Connectivity**

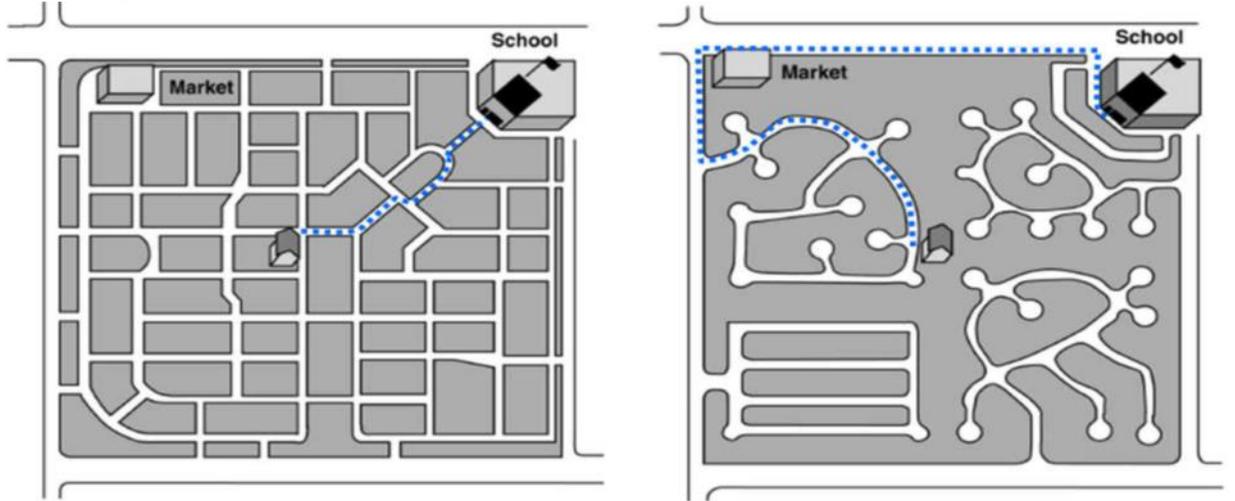
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The term "street connectivity" suggests a system of streets with multiple routes and connections serving the same origins and destinations. Connectivity not only relates to the number of intersections along a segment of street, but how an entire area is connected by the transportation system. A well-designed, highly-connected network helps reduce the volume of traffic and traffic delays on major roadways like US-42, and ultimately improves livability in communities by providing parallel routes and alternative route choices. By increasing the number of street connections or local street intersections in communities, bicycle and pedestrian travel also is enhanced. A well-planned, connected network of collector roadways allows a transportation system to operate more efficiently.

Over the last forty to fifty years, residential and non-residential development patterns have been created that lack internal vehicular and pedestrian connectivity. Development trends during the 1960s and '70s encouraged building residential communities with few street connections and numerous cul-de-sacs. It was assumed that communities built with this type of street design had less

traffic and fewer traffic delays on neighborhood streets. Residential subdivisions in particular that are dominated by cul-de-sacs provide discontinuous street networks, reduces the number of sidewalks, provides few alternate travel routes and forces all trips onto a limited number of arterial roads. **Figure 5.5\_** illustrates a more traditional, interconnected development pattern compared to a disconnected, development pattern of the late 20th century.

**Figure 5.5 – Traditional Interconnected Street Pattern vs. Disconnected Street Pattern**



The blue, dashed line represents the travel path a vehicle or pedestrian would have to take from home to school under the two different configurations. The path in the second scenario is two and a half times the length and requires travel on the major streets. Local street connectivity provides for both intra- and inter-neighborhood connections to knit developments together, rather than forming barriers between them. The street configuration within each parcel must contribute to the street system of the neighborhood. Research has shown that high roadway connectivity can result in:

- ▶ Reduction in travel distance (VMT) for drivers
- ▶ Reduction in travel times for drivers;
- ▶ Better and redundant emergency vehicle access;
- ▶ More efficient public services access (mail, garbage, transit)
- ▶ Improved bicycle and pedestrian routes and accessibility.
- ▶ Higher percentage mode-share for bicycling and walking
- ▶ Safer roads

### 5.2.7 Summary

While access to the street system cannot be prohibited, zoning regulations can dictate the manner of access, so long as the provisions are reasonable. These methods are all available, whether written into a zoning regulation or not. Currently, none of the jurisdictions' zoning regulations require the use of any of these methods. These seven land use control countermeasures can be employed individually or in conjunction to reduce the number of low to medium volume access driveways that connect directly to US-42 and similar roadways in East Union County. Implementing these control countermeasures would make roadways more safe and efficient by removing the number of points where traffic flow would be inhibited by vehicles entering and exiting the corridor.

## 5.3 Policies & Strategies

This section provides alternative standards and procedures that can be used in conjunction with implementing zoning regulations.

### **5.3.1 Community-Wide Access Management Regulations**

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A zoning ordinance may include access management requirements that will apply throughout the entire East Union County. This approach helps limit the creation of access problems when development or lot creation occurs on areas not addressed by the access management plan. The community-wide access management requirements will usually involve:

- ▶ Driveway spacing
- ▶ Spacing from intersections
- ▶ Driveway off-sets
- ▶ Shared access, frontage roads, service drives
- ▶ Situations where traffic impact studies are required

The zoning regulations will need to include options for applying the access management regulations to nonconforming sites or sites which, because of their characteristics, cannot conform to the regulations. This might include allowing modifications by a community's Planning Commission or variances by its Zoning Board of Appeals.

### **5.3.2 Effective Implementation**

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The effective implementation of an access management plan can take a considerable amount of time. Where a major road project is being carried out, the recommended access improvements will often be completed for all properties along the road. However, if the access management improvements are implemented on a site-by-site basis a much longer timeframe will apply. Successful implementation of access management requires on-going communication and coordination between the partners (local, county and state). This is essential to ensure that master planning, transportation planning, zoning and access management stay on same track.

A community's preparation of its land use master plan should include consultation with other communities and agencies to help ensure that transportation facilities are adequate to accommodate new growth and to help identify any necessary improvements (and who will be responsible for funding and construction). Likewise, zoning and development applications should be considered from the same viewpoint.

### **5.3.3 Public Agency Support**

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Maintaining public and agency support for the implementation of the access management plan and regulations can be a challenge, and was expressed as a major concern by several jurisdictions along the US-42 corridor. If multiple jurisdictions have been involved in preparing the access management plan, intergovernmental agreements may be used to ensure that the plan is to be adopted by each municipality, and the county and state road agencies. These agreements may also be used to specify the circulation of planning applications for review by all affected bodies and this can help ensure that the plan's recommendations and the zoning ordinance's regulations are implemented.

### **5.3.4 Corridor Management Committee**

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Establishing a Corridor Management Committee which oversees and monitors implementation of access management requirements is another possible option for ensuring implementation. Also, 'seed' money provided to one or more property owner by the municipality or road agency can be used to implement access improvements and demonstrate the benefits to other property owners. This may encourage other owners to carry out recommended improvements to their properties.

Training refreshers for elected officials, planning commissions and zoning boards of appeals can be helpful reminders of the plan's recommendations, the zoning ordinance's access management requirements and the roles of these bodies in ensuring implementation. This is especially important when members of these groups change.

### 5.3.5 Access Management Checklist

It may also be helpful to prepare a checklist that can be used by staff, the zoning administrator or whoever receives development applications and discusses procedures with potential applicants. The checklist can help ensure that the access management plan and access regulations are implemented on an on-going basis and, when applicable, will help ensure that other communities and agencies are consulted. The checklist could include the following questions:

- Is the subject site located within the US-42 Access Management Study area or a similar roadway in East Union County?
- Has the most recent plan been submitted to the State of Ohio ODOT contact person for their review and comments?
- Has the applicant been made aware of the special requirements and standards?
- Is the site within an area where specific access recommendations were provided in the Corridor Access Management Study? If so, provide the applicant with a copy.
- Does the site plan or submittal illustrate all of the additional information on other existing access points and adjacent lot configurations so compliance with the standards can be determined?
- Can the site meet the spacing standards between access points?
- Is the number of access points the minimum needed to provide reasonable access to the site?
- Is there a potential to provide an alternative, shared access, system?
- Is the access point properly aligned with, or spaced from, existing driveways or the location where driveways can be expected in the future?
- Has information on sight distance been provided?
- Is there a need for a traffic impact study to evaluate the impacts and determine if changes to the site design or road system are needed?
- Should other communities along the corridor be informed of the proposal (i.e. is the project large enough that it will have a major impact)?
- Is there a reason to request a meeting with the state to discuss and address access issues prior to review by the Planning Commission?

## 5.4 Funding & Financing Mechanisms

### 5.4.1 Public Sector

For major improvements to US-42 in particular, funding would typically come from traditional federal and state highway funding sources, which may require a local match, for example, if the project is within municipal boundaries. The types of improvements for which these funding sources are appropriate vary, but would typically include:

- ▶ Widening the pavement to add shoulders, passing lanes, intersection turn lanes, “slow shoulders,” or center turn lanes.
- ▶ Intersection improvements (roundabouts, re-alignments, signalization).
- ▶ Correction of curves or other geometric deficiencies.

The funding sources available to ODOT and local governments to fund these improvements are as follows:

- ▶ ODOT-managed programs
  - Major/New Program, managed by the Transportation Review Advisory Council (TRAC), funds projects greater than \$12 million that add capacity to the transportation system.
  - Highway Safety Program, managed via ODOT's central office, which funds projects that address areas with a high crash rate or frequency.
  - ODOT District 6 funding, which is allocated by central office to districts for bridge and pavement preservation. Small improvements can be made in conjunction with a pavement or bridge preservation project.
- ▶ MORPC-managed programs
  - MORPC receives an allocation of federal-aid highway funding, which it manages and distributes to projects within its Central Ohio jurisdiction which includes the Delaware County portion of the US-42 corridor. MORPC has specific administrative processes for the funds it manages.
- ▶ Local programs
  - For projects within municipal boundaries, local governments have a number of local options for funding, including revenues received from the state gas tax, local tax revenue, State Issue II funds, and local bond proceeds. Local projects on US-42 would require coordination with and, usually, a funding contribution from ODOT.

Many of the transportation and access management strategies discussed above do not directly impact state roads, and provide benefits to local circulation (e.g., frontage/backage roads). State funding is not typically appropriate or available for these types of improvements, unless broader purposes are served, such as economic development or safety improvements to a high-accident location. The most important and likely source of funding for local road improvements are county, township, and municipal revenues from income taxes, license plate registration fees, gas taxes, sales taxes, property taxes, etc. Some of the costs of property access changes would be borne by the property owners.

State funding sources that can be used for local road improvements include:

- ▶ County Surface Transportation
- ▶ County Highway Safety Program
- ▶ Safe Routes to School
- ▶ ODOT Safety funds
- ▶ ODOT Small City funds
- ▶ Transportation Alternatives Program (for bike and pedestrian improvements)
- ▶ Ohio Public Works Commission (State Capital Improvement Program & Local Transportation Improvement Program)
- ▶ Ohio Development Services Agency funds (various)
- ▶ Housing & Community Partnerships (usually related to businesses)
- ▶ Rural Business Enterprise Grants

These funding sources, in some cases, can also be used to provide the local match required for federal/ODOT funds. Loans from the State Infrastructure Bank may also be used, although these are not grants, and would need to be repaid over time. Additional information on most of these

sources can be found in the ODOT Program Resource Guide. Many of these sources have limited funding availability, which would place the counties and municipalities along the US-42 corridor in competition with other parts of the state for these grants.

### **5.4.2 Private Sector**

For new developments, the implementation of new access management regulations would simply be part of the development cost. Private landowners would be responsible for the design and construction of driveways that meet the new guidelines, along with designing proper setbacks and setting aside any required easements for future backage roads or for linkages to neighboring properties. Developers could also be required to pay impact assessment fees to cover some or all of the cost of the municipal infrastructure required to serve the new development.

For existing developments, access changes could be required of the owners when changes to the property are made. This would be consistent with Section 2.10 of ODOT's State Highway Access Management Manual. Other retrofitting would need to be done on a case-by-case basis in coordination with ODOT, local governments, and property owners. Every situation would have its own set of challenges, as moving a driveway on a corner lot to a side road is typically easier than creating shared driveways among adjacent properties with multiple owners. In some cases, property owners may need to be compensated for changes that reduce their ability to fully utilize their property.

### **5.4.3 Special Assessment Districts**

Where funding is needed for major improvements, such as the construction of backage roads or expansion of the local roadway network, it may make sense to develop a special assessment district where a supplemental tax is levied on the specific properties that would be served by the proposed improvements. This method can be used to pay for all or part of major improvements, assuming the property values in the district would support project costs. Special assessment districts are also used to fund lower-cost improvements (e.g., installing street-lighting or signage) or to provide for ongoing maintenance (e.g., of shared driveways).

There are a number of variations on this concept, including Tax Increment Financing districts (where no additional tax levies are required), Joint Economic Development Districts (where improvements are needed across jurisdictional boundaries), and Transportation Improvement Districts. Revenues from these funding arrangements could be used to directly pay for the improvements over time, or in some cases, could be used as security to guarantee bonds (loans) to speed construction.

## **5.5 Conclusions**

As development continues to grow into eastern Union County from the southeast (Dublin area), east and northeast (Delaware County, City of Delaware) it will continue to increase demand on the limited route choices in the study area. US-42, US 33 and SR 161 are projected to be near capacity in the next 20 years. This will shift traffic to other routes that have traditionally been lower volume rural routes and not designed to handle heavier traffic volumes. To manage this growth, jurisdictions at all levels of government must work together to preserve the existing infrastructure and provide alternative routes and access. This plan, coupled with the *ODOT US-42 Access Management Study*, provides strategies for preserving capacity on existing routes as well as provides guidance in regard to potential new routes or connections that would offer alternative route choices as traffic demands.

There are also policy and local planning steps that can be taken at the township level related to land use and zoning that can further support efforts to manage growth and preserve local resources and infrastructure. As an example, Millcreek Township is in the process of incorporating this plan into their next comprehensive plan update. To achieve the goals laid out in this plan, it will take ODOT,

the County, the Townships and Plain City working together with neighboring jurisdictions and the development community to develop and fund the needed infrastructure as well as preserve the existing investments that have already been made.

In conclusion, the following items have been identified as next steps for implementation of this TTP:

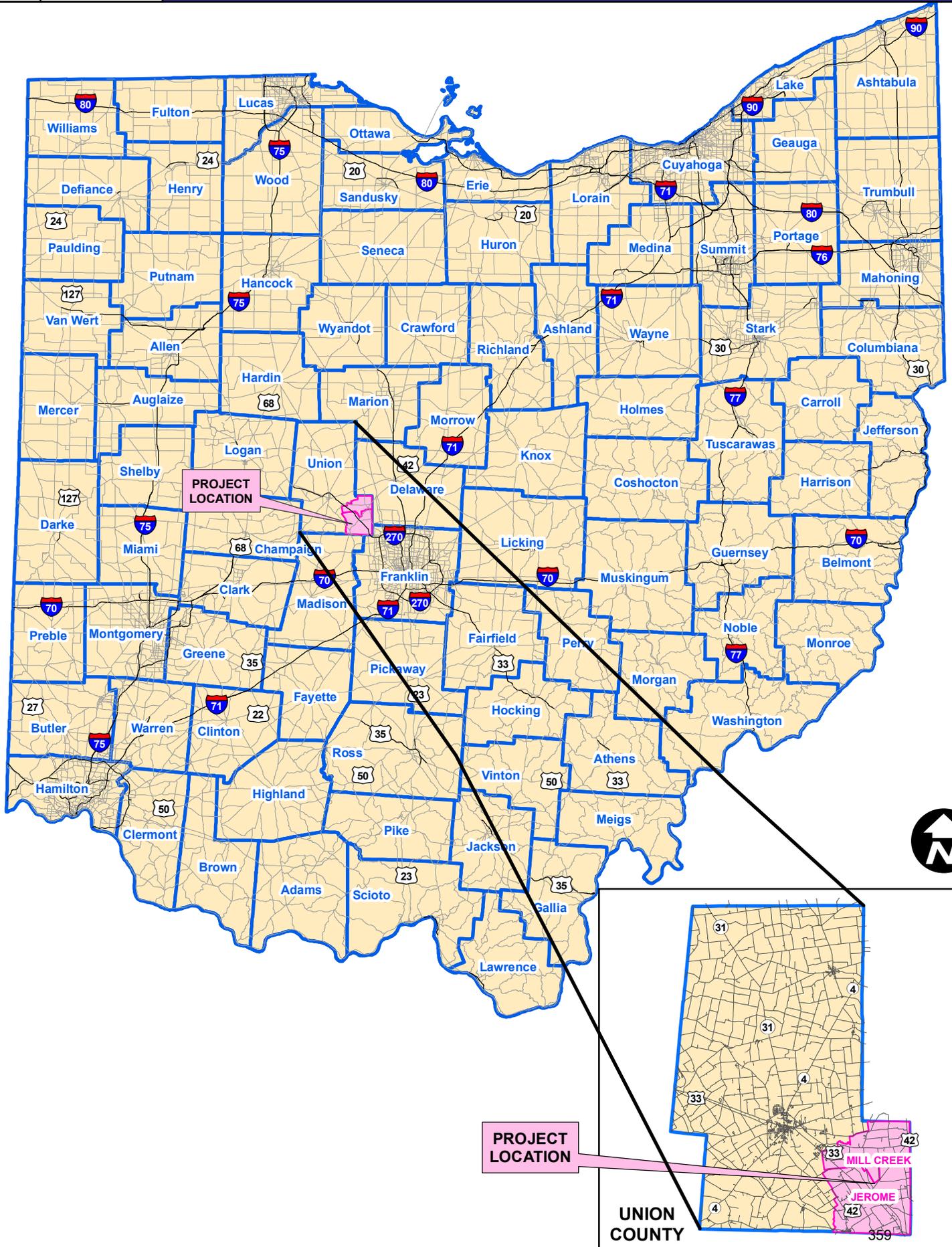
- Adoption of the updated plan by Union County, Jerome Township and Millcreek Township
- Incorporation into other planning efforts such as comprehensive or land use plan updates
- Discussions with the development community about the goals and the recommendation of the plan
- Based on the results of the US-42 Access Management Study, begin to evaluate intersections for safety funding applications
- Investigate the re-alignment of Watkins Road and closure of Jerome Road
- Discuss desired backage road alignments and County access management standards with developers who are in the process of submitting development plans
- Require developers to set aside right-of-way for future roadways or existing roadway expansion as part of the development plan approval process

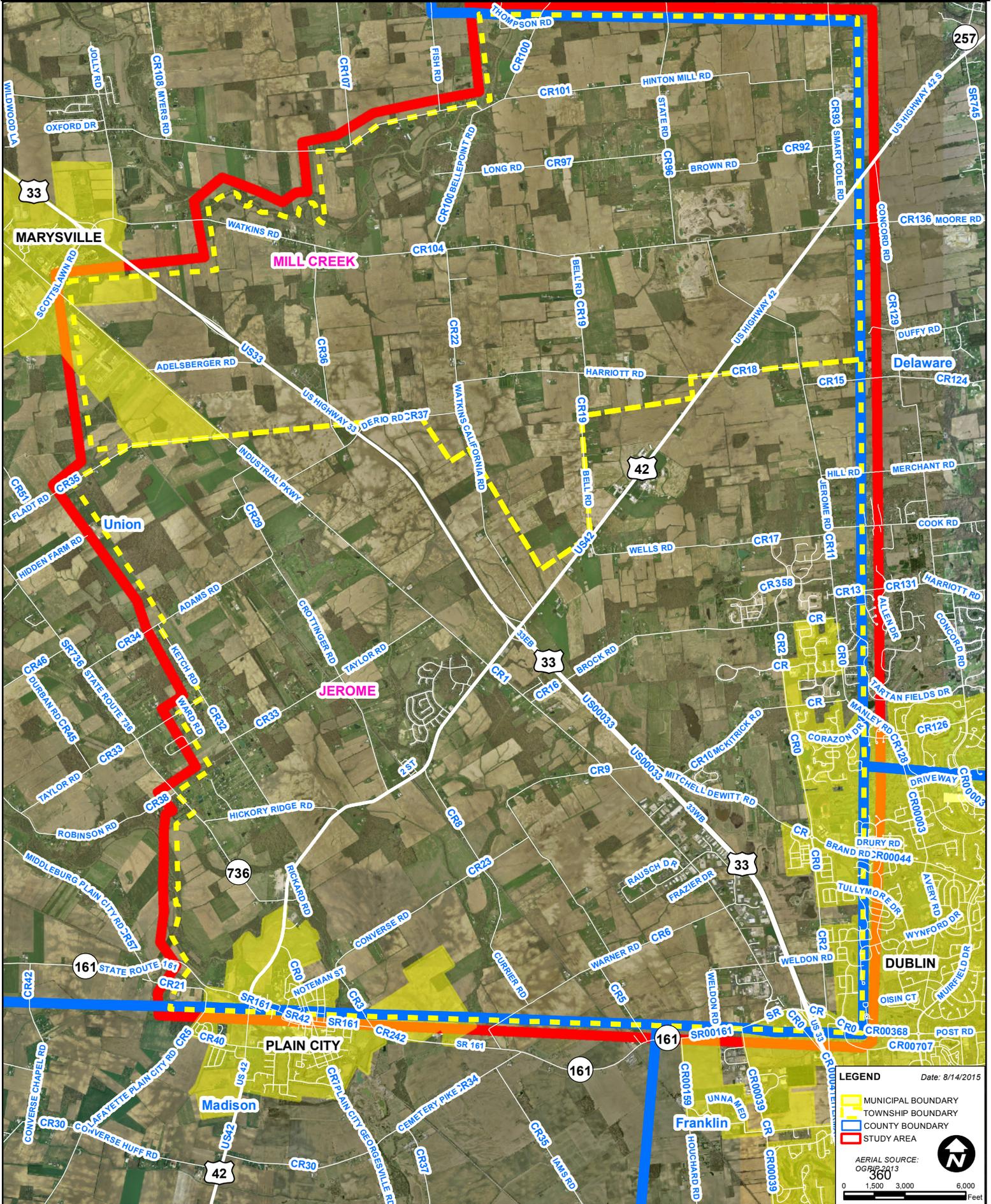
# EXHIBITS

## Exhibits

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Exhibit 1	Project Location
Exhibit 2	Study Area
Exhibit 3	Bridge Inventory
Exhibit 4	Existing and Proposed Bikeways
Exhibit 5	2010 Population Density
Exhibit 6	Existing Land Uses
Exhibit 7	Future Land Uses
Exhibit 8	Environmental Conditions
Exhibit 9	Level of Service (LOS) – Current
Exhibit 10	Level of Service (LOS) – Future
Exhibit 11	ODOT Future Projects
Exhibit 12	Alternative 1: Scenario with Derio Road Interchange
Exhibit 13	Alternative 2: Scenario without Derio Road Interchange



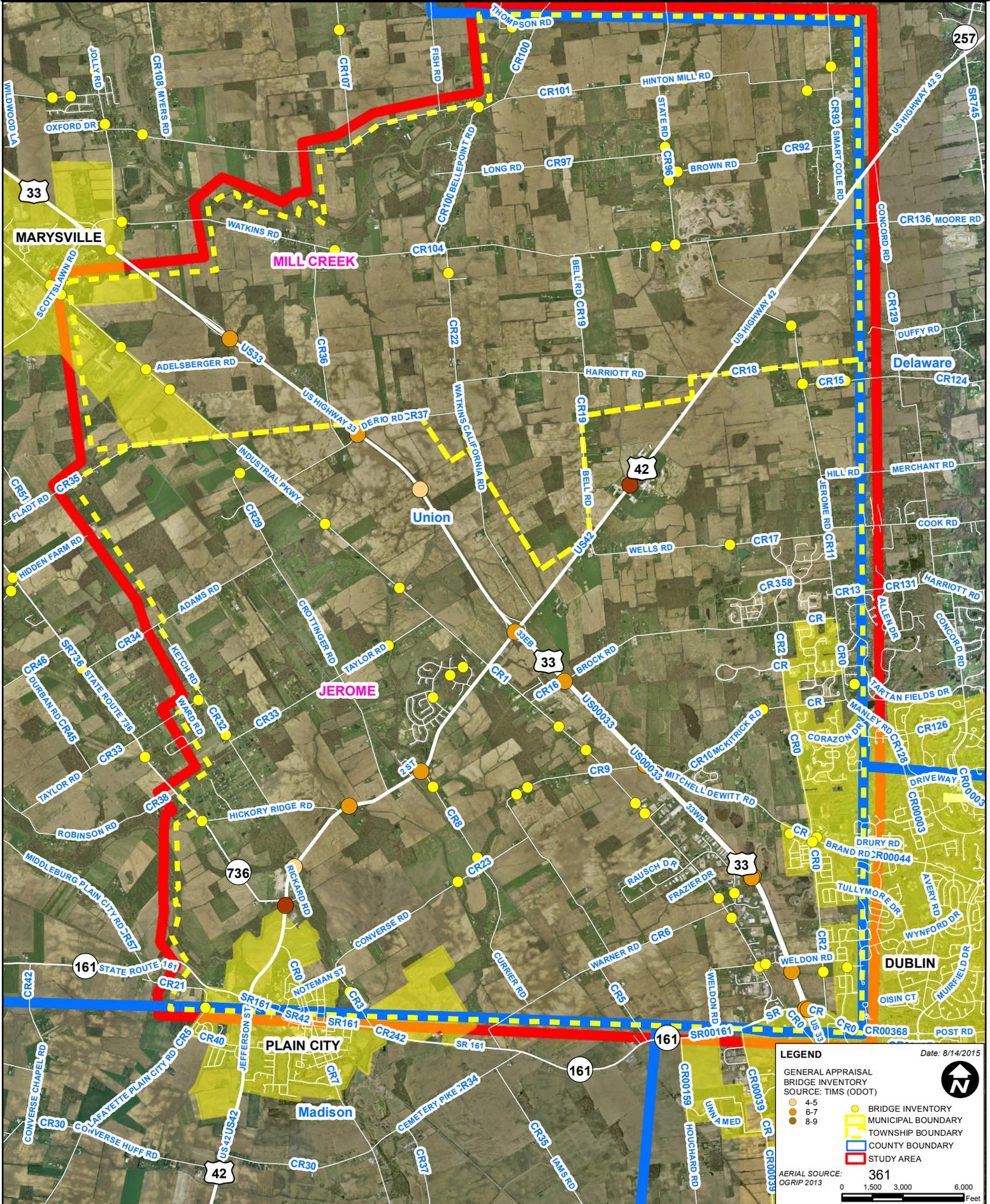


**LEGEND** Date: 8/14/2015

- MUNICIPAL BOUNDARY
- TOWNSHIP BOUNDARY
- COUNTY BOUNDARY
- STUDY AREA

AERIAL SOURCE:  
OGRP 11/13  
360

0 1,500 3,000 6,000  
Feet



Date: 8/14/2015

**LEGEND**

GENERAL APPRAISAL  
BRIDGE INVENTORY  
SOURCE: TIMS (ODOT)

- 4-5
- 6-7
- 8-9

- BRIDGE INVENTORY
- MUNICIPAL BOUNDARY
- TOWNSHIP BOUNDARY
- COUNTY BOUNDARY
- STUDY AREA

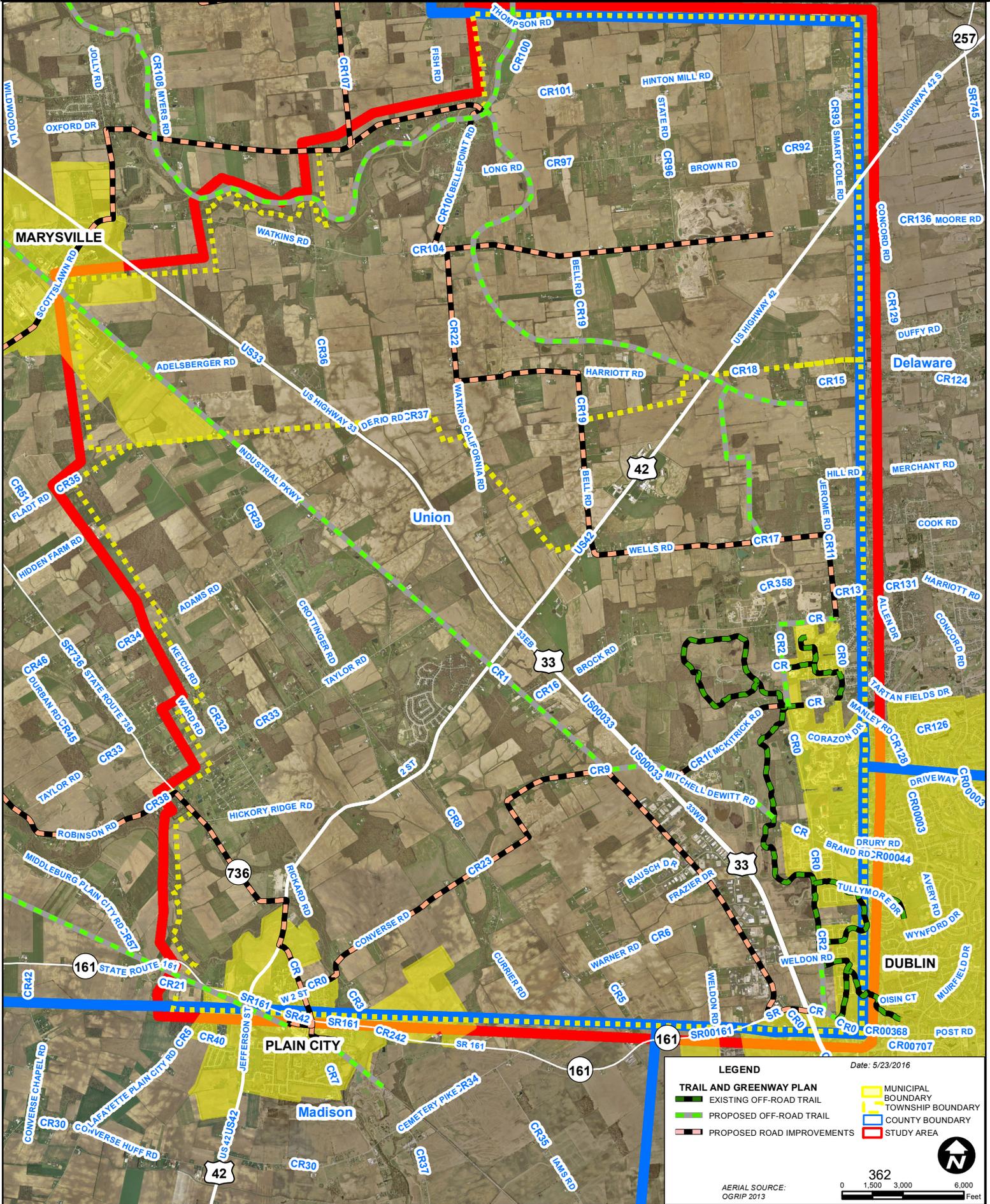
AERIAL SOURCE:  
OGRIIP 2013

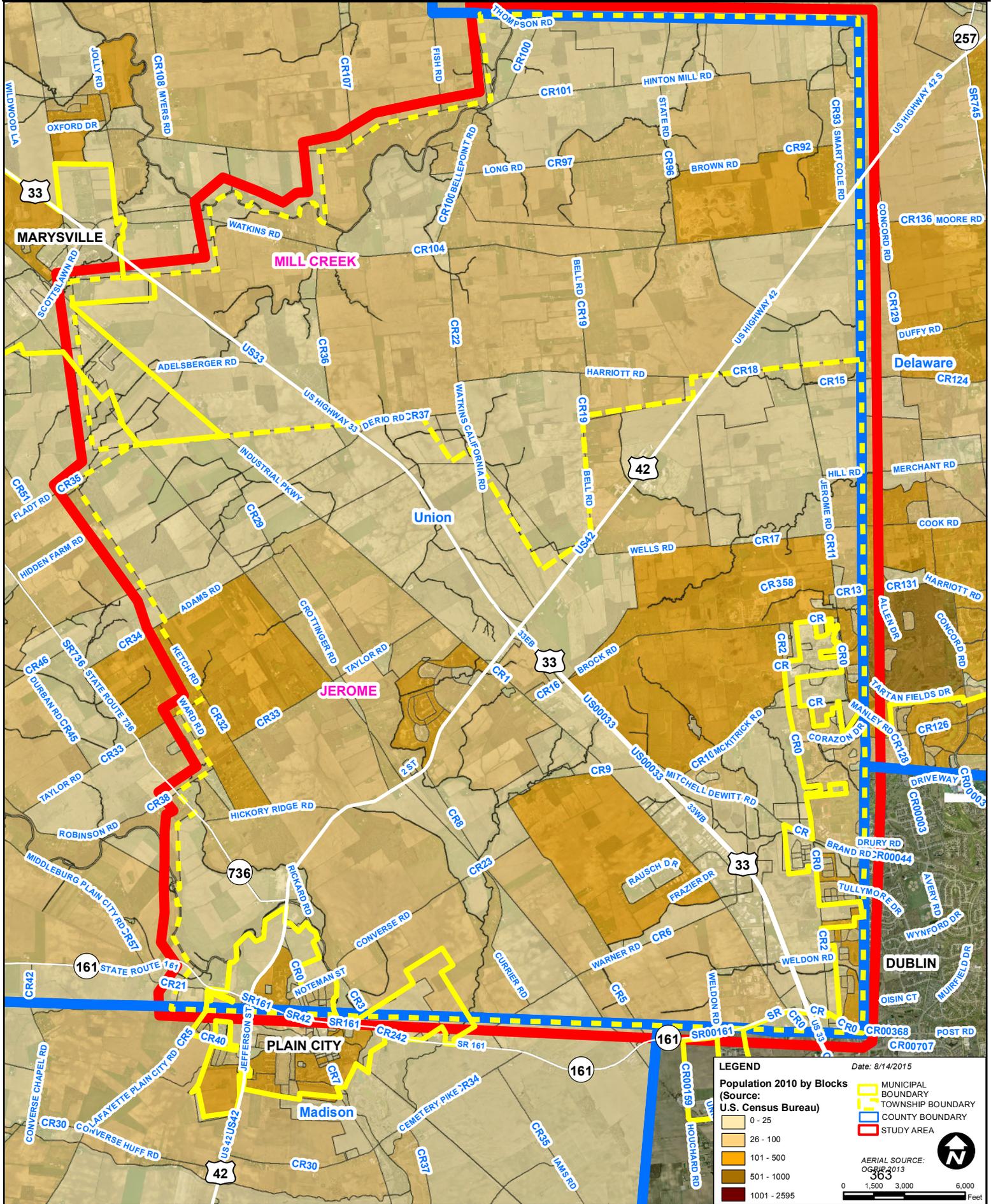
361

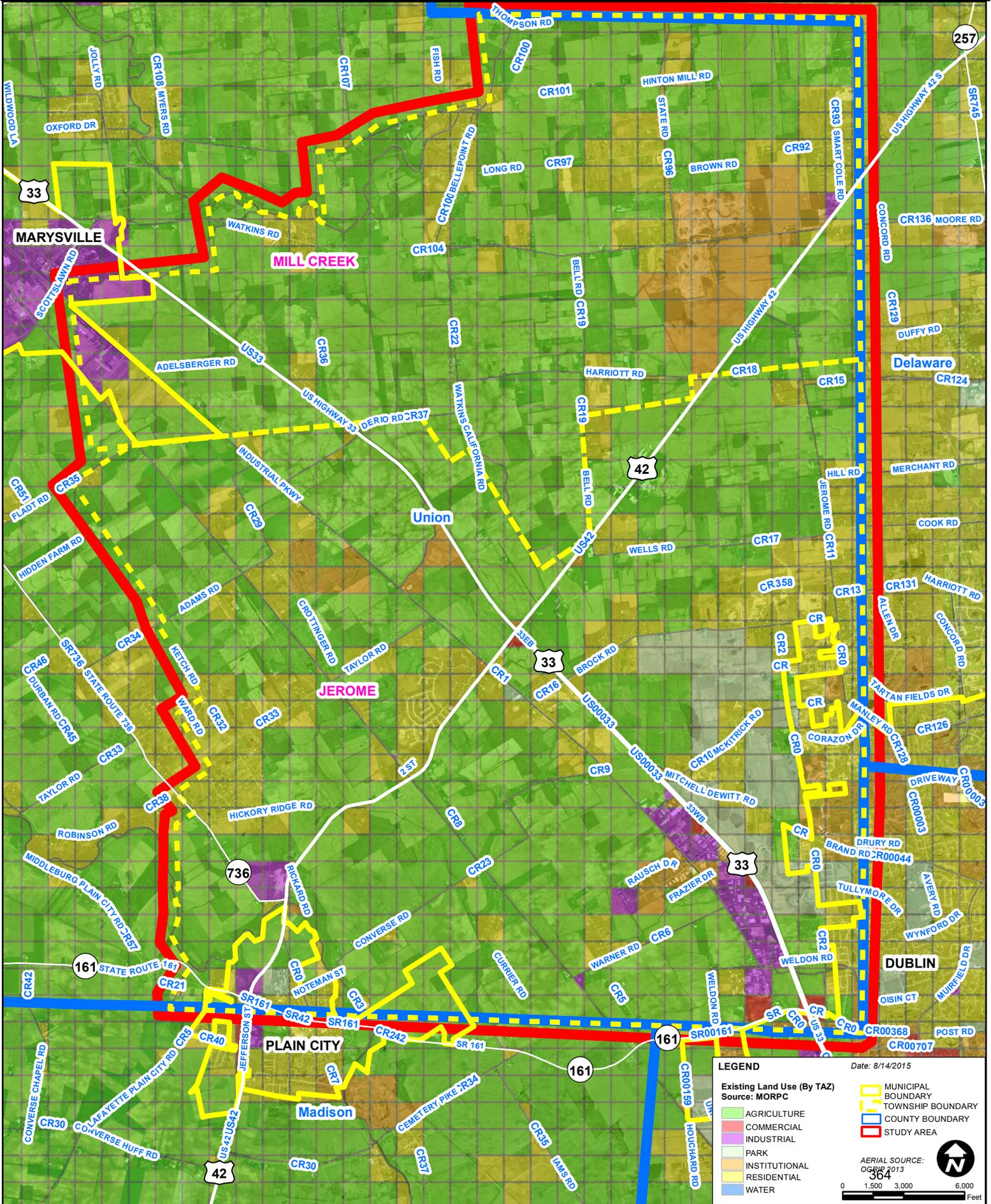
0 1,500 3,000 6,000 Feet

# EAST UNION COUNTY THOROUGHFARE PLAN

## Exhibit 4 | Existing and Proposed Bikeways







**LEGEND**

Existing Land Use (By TAZ)  
Source: MORPC

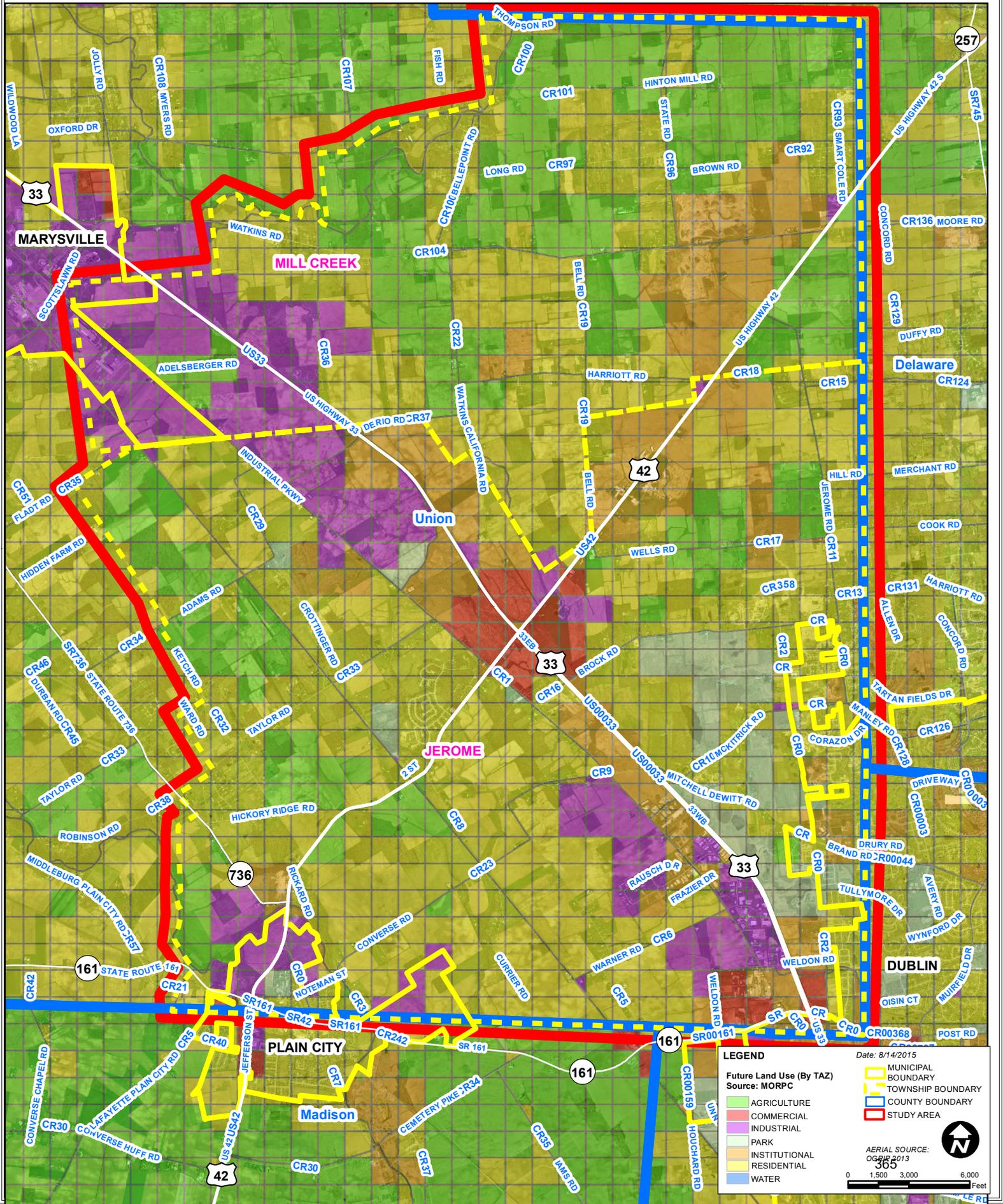
- AGRICULTURE
- COMMERCIAL
- INDUSTRIAL
- PARK
- INSTITUTIONAL
- RESIDENTIAL
- WATER

- MUNICIPAL BOUNDARY
- TOWNSHIP BOUNDARY
- COUNTY BOUNDARY
- STUDY AREA

Date: 8/14/2015

AERIAL SOURCE:  
OGC 2013  
364

0 1,500 3,000 6,000 Feet



**LEGEND**

Future Land Use (By TAZ)  
Source: MORPC

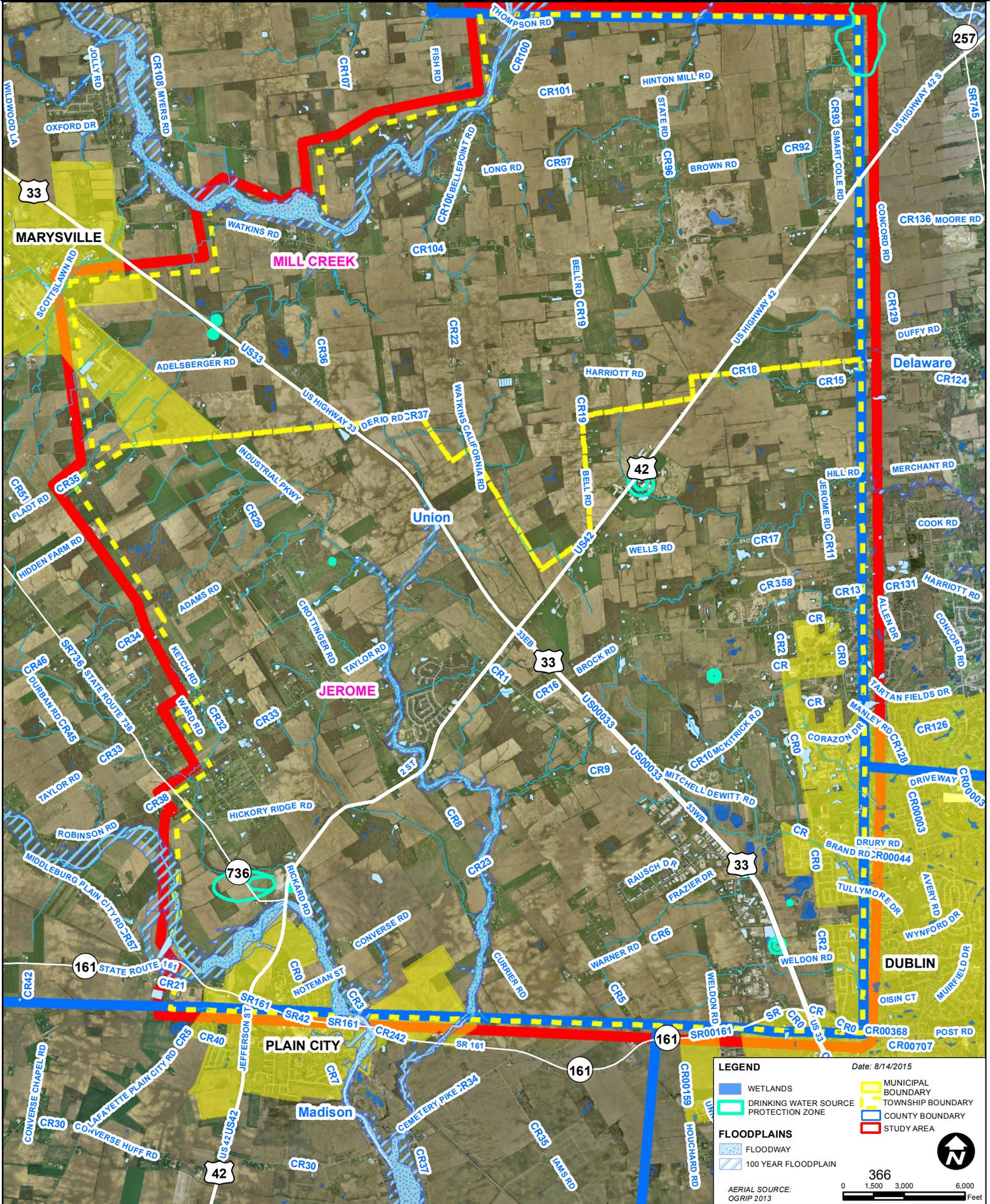
- AGRICULTURE
- COMMERCIAL
- INDUSTRIAL
- PARK
- INSTITUTIONAL RESIDENTIAL
- WATER

MUNICIPAL BOUNDARY  
 TOWNSHIP BOUNDARY  
 COUNTY BOUNDARY  
 STUDY AREA

Date: 8/14/2015

AERIAL SOURCE: OGR 2013

0 1,500 3,000 6,000 Feet



**LEGEND**

- WETLANDS
- DRINKING WATER SOURCE PROTECTION ZONE
- MUNICIPAL BOUNDARY
- TOWNSHIP BOUNDARY
- COUNTY BOUNDARY
- STUDY AREA

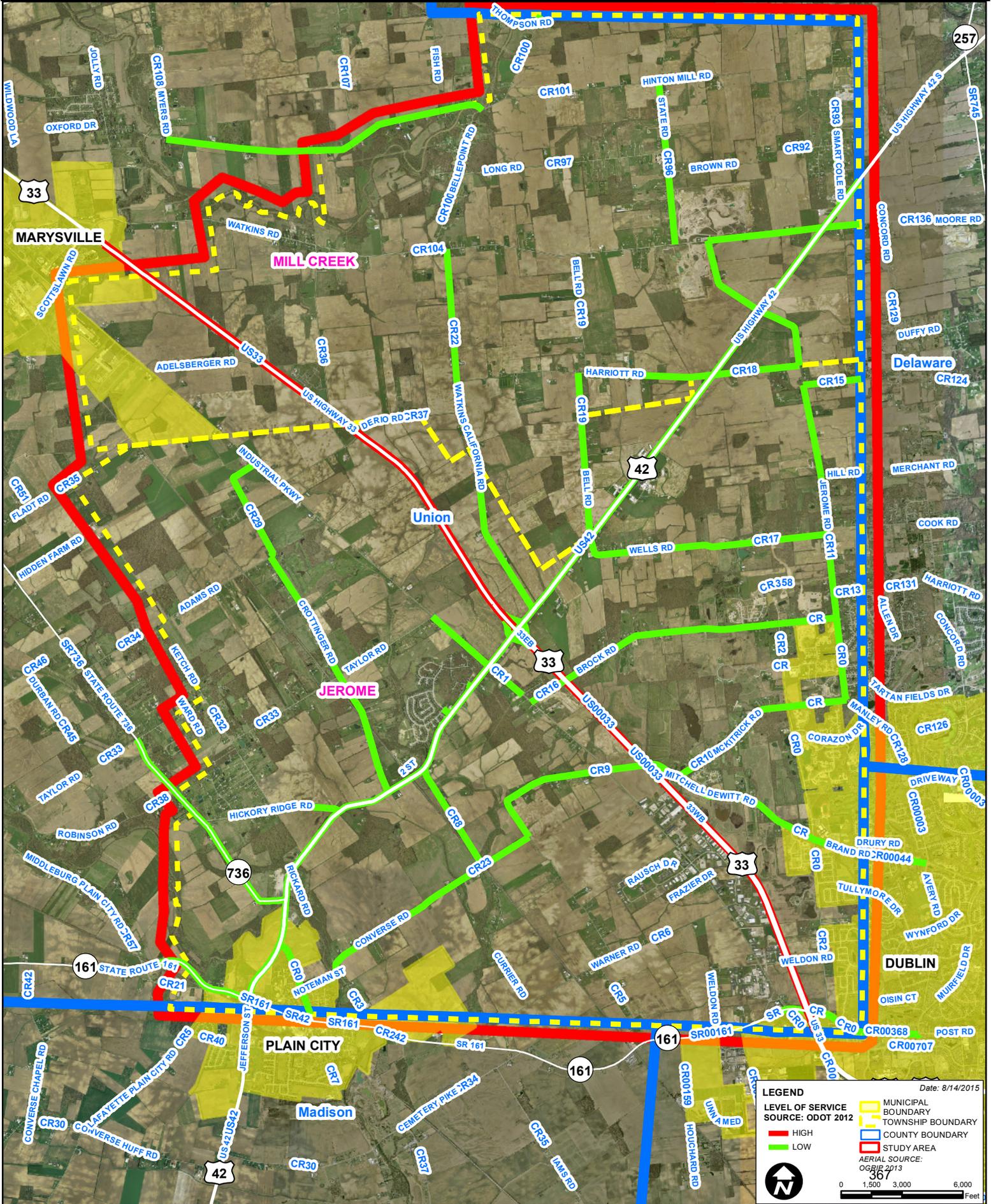
**FLOODPLAINS**

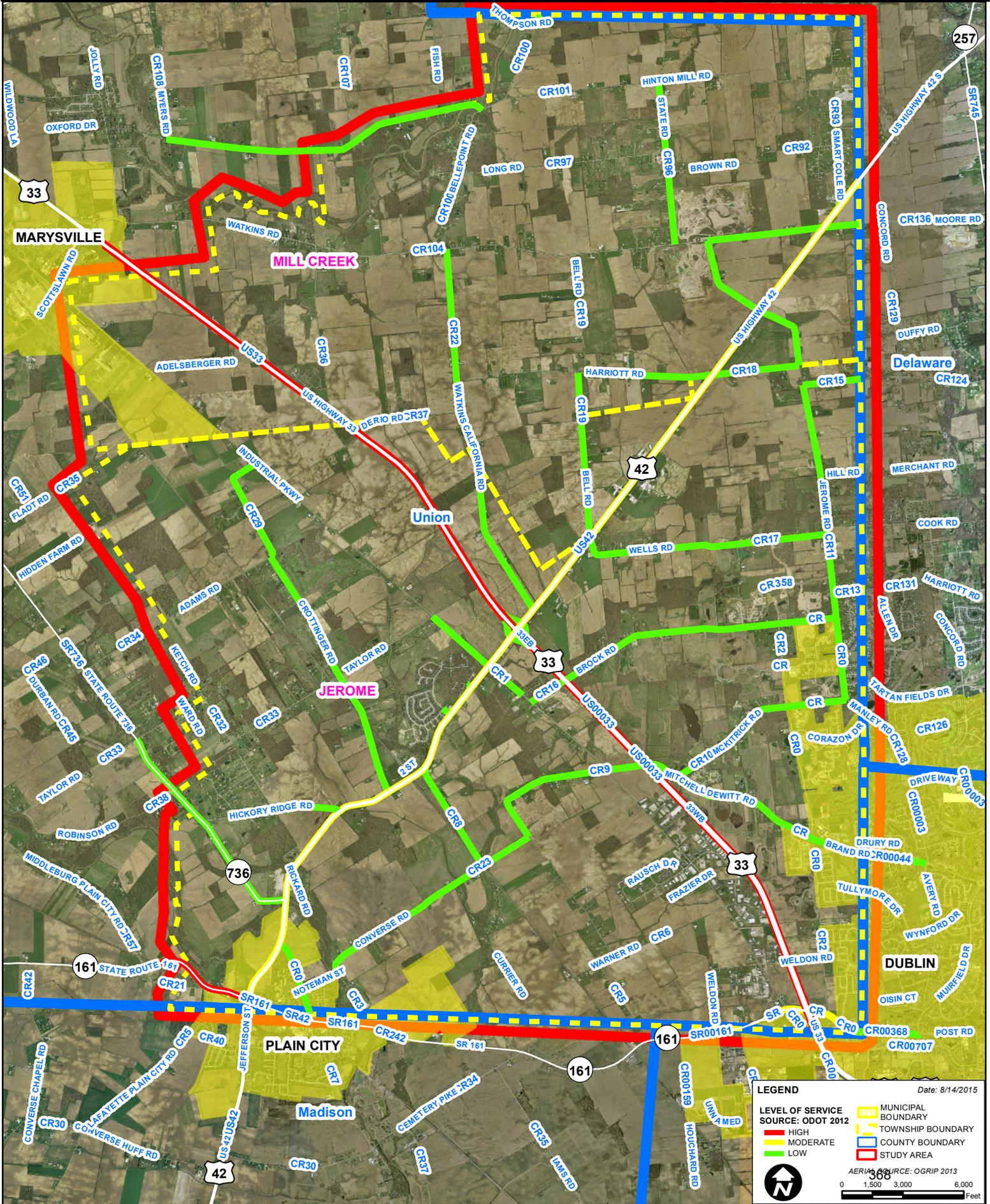
- FLOODWAY
- 100 YEAR FLOODPLAIN

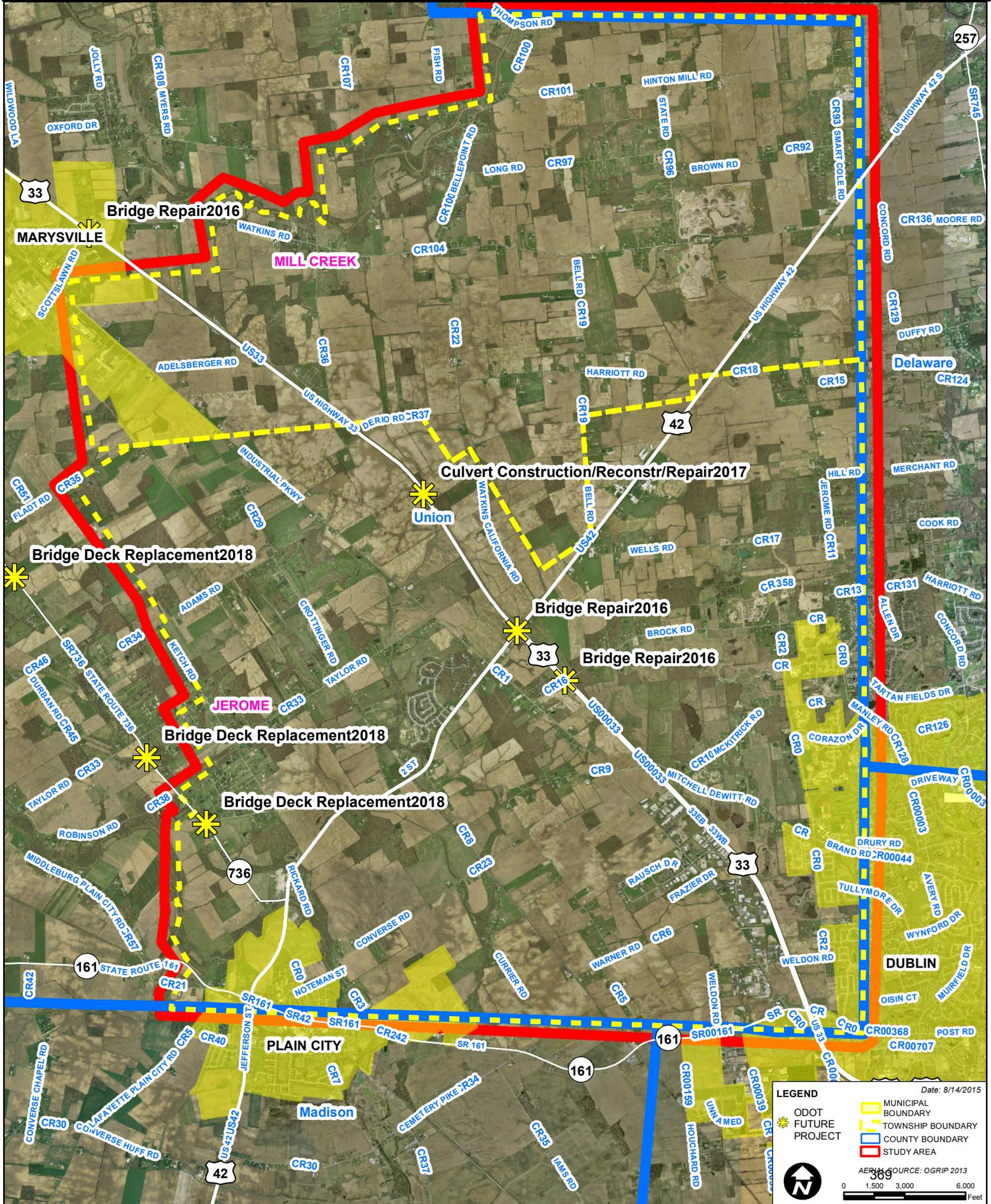
Date: 8/14/2015

AERIAL SOURCE: OGRIP 2013

Scale: 0 1,500 3,000 6,000 Feet







Date: 8/14/2015

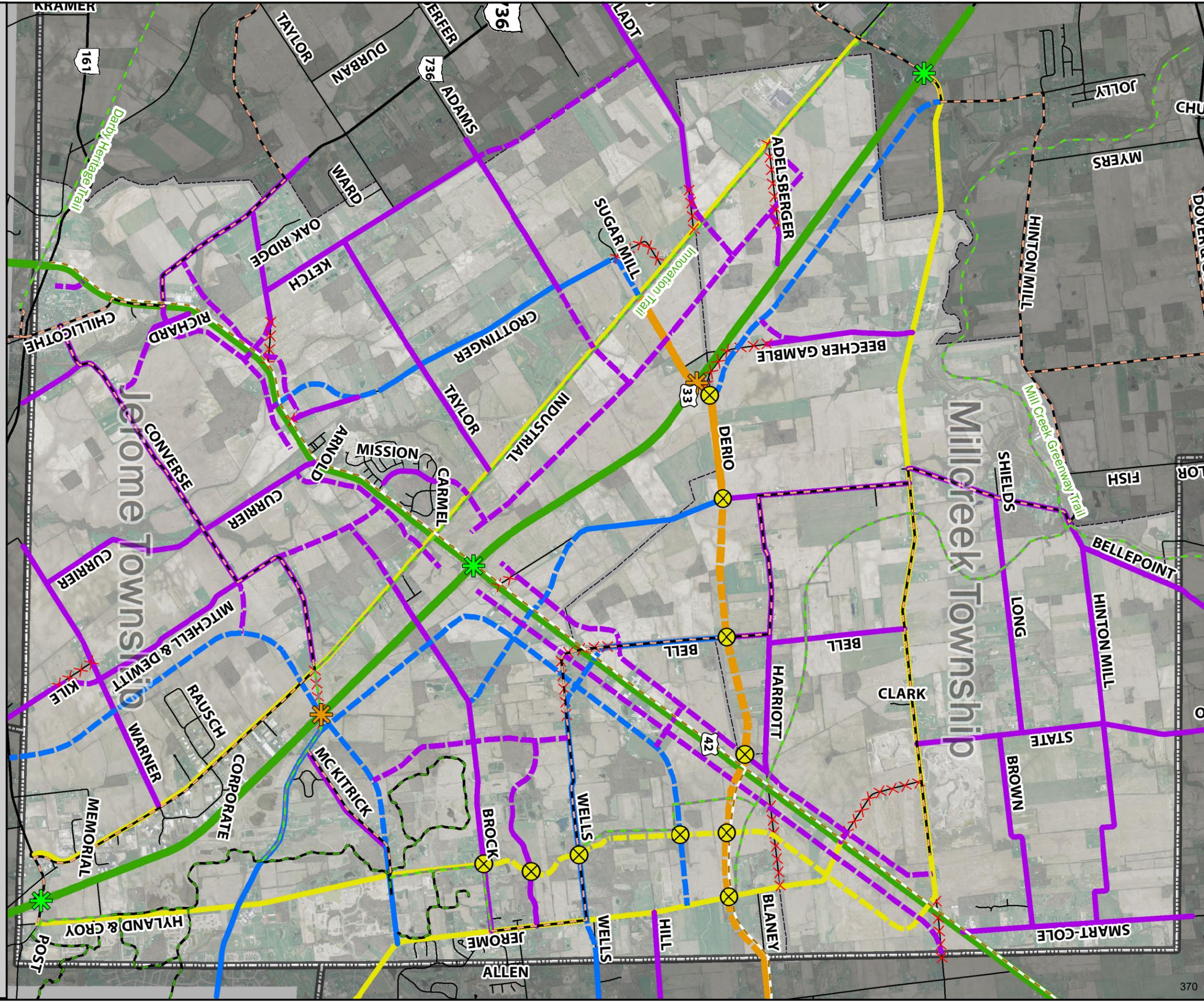
**LEGEND**

- MUNICIPAL BOUNDARY
- TOWNSHIP BOUNDARY
- COUNTY BOUNDARY
- STUDY AREA
- ODOT FUTURE PROJECT

Source: OGRIP 2013

Scale: 0 1,500 3,000 6,000 Feet





0 0.5 1 2 Miles

APRIL 2016

**UNION COUNTY TRAIL & GREENWAY PLAN**

- Existing Off-Road Trail
- Proposed Off-Road Trail
- Proposed On-Road Improvements

**THOROUGHFARE CLASSIFICATIONS**

- Major Arterial, Existing
- Minor Arterial, Existing
- Major Arterial, Proposed
- Minor Arterial, Proposed
- Major Collector, Existing
- Major Collector, Proposed
- Major Collector, Proposed
- Minor Collector, Existing
- Minor Collector, Proposed
- Local, Existing
- Local, Proposed
- Local, Proposed
- Eliminate

**MULTI-MODAL RECOMMENDATIONS**

- Shared-Use Path

**INTERCHANGES**

- Proposed Interchange
- Existing Interchange
- Roundabout

**BOUNDARIES**

- County Boundary
- Township Boundary



# **APPENDIX PUBLIC INVOLVEMENT MATERIALS**

**MEETING NOTES**  
**Millcreek Township Kick-Off Meeting**  
**March 6, 2015**

**Goals for Union County TTP**

- **Update 2006 Plan**
  - Website has been updated to include Plans and Documents since the 2006 Plan
- **Guidelines for Future Growth**
  - Incorporate Zoning Resolutions
    - Guidance in how to apply different rules
      - Possible inclusion of requirements for PUD's other than "traffic study"
      - Understands the mobility vs. access problem
      - Possibility of tying requirements into zoning
- **Incorporate Trail Plans**
  - Farmers have a concern over safety
  - Heavy Traffic
  - Bikers not well received
    - Issues of bikers on US42, Harriet and US42, State and Watkins

**Concerns Moving Forward**

- **Get a lot of requests for right in/right outs along US42**
  - Would like to avoid right in/right outs
  - Like the idea of accelerate/decelerate lanes
  - Prefer to push traffic onto side streets/utility roads
  - Tie these concerns into the plan
  - Bring the idea to a level that the zoning commission can use
- **Jerome at US42 Quarry Expansion Issues**
  - Permitted to mine 10 acres per year
  - Must re-up contract every 5 years
  - Quarry has been good and willing to cooperate
- **Cooperation with Jerome Township**
  - Township Line to 33 is in Jerome
  - Seemed uninterested in improvements
  - Zoning Coordinator seems on board
  - Possible Meeting with Jerome and Millcreek Zoning administrators?
    - Phil Honsey (Millcreek)

**Needs**

- **Connections**

- Currently acts as the only real connector
- Possibility of purchasing property for Ryan Parkway
  - Not budgeted in the current cycle
- **Accessibility**
  - Turns off of US42 are dangerous
    - Often due to impatience and trying to rush ahead of traffic
  - Improved Safety
- **Improved Safety**
  - Blind intersections
  - Bad angle intersections
  - Speeding on multi-lane roads

### Others Notes

- **Possibility in Closing Jerome/US42 Intersection**
  - Issue: Where would truck traffic go?
  - Pro: Keeps trucks away from Soccer Fields
  - Increase Truck Traffic on Watkins
- **Local vs. Regional Conflicts**
  - Lots of Public Complaints about Trucks on Watkins
    - Potential to increase with a Jerome/US42 Closure
      - Specifically, *Scott's* trucks use Watkins as a shortcut to US42
- **Congestions Issues**
  - Smart-Cole could be a big issue
  - SR33 and US42
    - Created by lines of sight issues
- **Public Involvement**
  - Plan for some time around Step 3
    - Create emphasis on Buy-in
    - Communicate the length of the plan
- **Keep Industrial Parkway in Mind**
- **Maintain Communications with ODOT & the Development of US42**
- **Pull Logo from Website**

# **MEETING NOTES**

## **Millcreek Township Stakeholder Meeting**

**March 9, 2015**

### **Introductions**

Attendees included:

- Jeff Stauch & Bill Narducci, Union County Engineer's Office
- Millcreek Township Representatives
- Kimberly Burton & Jonathon Miller, BPS

### **Study Overview & Purpose**

- The group discussed the intentions of the study and why the study was being conducted.
- In summary: "As this area continues to transform from rural to sub-urban, it is important to plan the transportation network to anticipate and support this growth and future users."

### **Review Scope**

- The group briefly reviewed the main components of the scope of services.
- Primary components include: Step 1-Goals and Objectives, Step 2-Existing and Future Conditions, Step 3-Alternative Solutions, and Step 4-Draft and Final Plans
- Major Deliverables include: Problem Statement, Existing & Future Conditions Write-up, Preliminary Alternative Write-up, Draft Plan, and Final Plan.

### **Discuss Goals**

Possible goals were discussed, and the below listed confirmed/developed:

- Update the 2006 TTP
  - Keep, incorporate other related updated plans
- Guidelines for future changes to the roadway network
  - Incorporate zoning resolutions and differentiate between road types and why
  - Possible inclusion of requirements for PUD's other than "traffic study"
  - Understands the mobility vs. access problem
  - Possibility of tying recommendations into zoning
  - Want the zoning commission to be able to use this plan to make recommendations; require more than just a traffic study of potential development.
  - Tie zoning to access
  - Deal with small parcel development for the longterm
- Incorporation of plans from the State, County, and neighboring municipalities

- Incorporate the recently completed trail plan
- Safe, effective, and efficient roadway network
  - Keep as stated
- Ability to handle existing and future traffic
  - Keep as stated
- Balanced and integrated transportation system
  - Keep as stated
- Economic growth
  - Keep as stated
- Compatibility with existing and future land uses
  - Keep as stated
- No additional goals were added during the meeting discussion

### **Discuss Needs**

The study area needs and issues were identified and discussed by the groups, including:

- Lack of Connectivity
  - The quarry expansion needs to be explored and planned out. They currently are permitted to mine up to 10 new acres of land per year and renew their contract every 5 years. They would like to expand and eliminate/re-route Jerome Road; there would be fewer trucks driving by the soccer fields; however, truck traffic would then increase on Watkins Road.
  - US-42 currently is the only main connector through the two townships and to Columbus; access to Marysville is easy.
  - There is a possibility of purchasing property for Ryan Parkway but it is not yet funded.
  - Beecher-Gamble
- Lack of Accessibility
  - Millcreek Township gets a lot of request for right-in/right-outs along US-42; they would like to avoid right in/right outs. They like the idea of acceleration/deceleration lanes. They prefer to manage access and push traffic onto side roads. They would like to tie these concerns into the plan. They want solutions that the zoning commission can use.
- Safety Concerns
  - Many access points along US-42 are dangerous, due to skewed intersections and impatience of drivers waiting for gaps in the traffic.
  - Additional problems include sight distances issues and speeding.
  - US-33 and US-42 interchange has substantial sight distance issues due to a severe vertical grade.
  - It is too easy to drive fast on US-42
- Mobility/Congestion
  - Heavy traffic concerns
  - There have been numerous complaints about trucks on Watkins, specifically Scott's trucks use Watkins as a shortcut to US-42 (The County Engineer will talk with Scott's.)
  - Smart-Cole has increasing congestion issues.
  - US-33 and US-42 interchange backs-up

- US-42 trucks
- Highland-Croy & 161 needs a signal
- Jerome/US-42
- Smart-Cole/US-42
- Battery & Bell / US-42
- Pedestrian & Bicycle Conflicts
  - Farmers have concerns over safety related to bicyclist interactions
  - Bicyclists not well-received by some residents, issues on US-42, Harriet and US-42, and State and Watkins Local vs Regional Traffic Conflicts?
  - Consider separate facilities for bikes
  - Consider changes to proposed bike trail plan
- Local vs. Regional Traffic Conflicts
  - Yes, especially at US-42, Watkins (Honda traffic), and from Scott's
- Additional Notes
  - Coordination of plan with Jerome Township is important, and we should meet with their Zoning Coordinator (Gary Smith). The Township line is at US-33, so coordination of improvements is important to both townships.
  - Possibly hold the PI meeting in July, when Step 3 is done.

#### **Next Steps & Miscellaneous**

- The next steps and project schedule were reviewed with the group:
  - Step 1: Develop Goals & Issues, Prepare Problem Statement
  - Step 2: Existing & Future Conditions, Data Collection, Projections
  - Step 3: Identify, Develop & Evaluate Alternatives
  - Plan to have the public meeting sometime during this step.
  - Step 4: Prepare the plan
- Additional comments included:
  - Keep Industrial Parkway in mind
  - Maintain communications with ODOT and updates on the US-42 study

Add Millcreek's logo from their website.

**STAKEHOLDER MEETING NOTES**  
**Millcreek Township Stakeholder Meeting**  
**January 15, 2016**

**Agenda Items**

- Update on Thoroughfare Plan Status
- Discussion of Thoroughfare Plan Alternatives
- Questions and Answers

**Meeting Notes**

- A major concern that was voiced involved the overuse of right-in, right-out to access new development. Alternatives suggested included acceleration and deceleration lanes. A case in point that was brought up included the recently proposed service station along US-42 which needs several access points in order to maneuver the petroleum trucks. Two alternatives were presented: one that included an Interchange Scenario (with an interchange north of US-42 on US-33, generally shown in the area where Derio Road crosses over US-33) and another non-Interchange Scenario that does not include a proposed interchange in the Derio Road overpass area.

**Next Steps**

- The next steps involved setting a public meeting date to present the alternatives. Among the options:
  - Trustees Meeting - first Monday of the Month
  - Planning Commission Meeting – third Tuesday of the month.
- It was decided to hold the public meeting during the Trustless Meeting on March 7, 2016.

**PUBLIC MEETING NOTES**  
**Millcreek Township Public Meeting**  
**March 7, 2016**

**Agenda Items**

**Background on US 42 Access Management Study**

- Background
- Findings
- Relationship to Millcreek Township
- Recommendations

**Eastern Union County Transportation Plan**

- Update on Thoroughfare Plan
- Presentation of Thoroughfare Plan Alternatives
- Questions and Answers

**Meeting Notes**

- Background to the US-42 report was given, including the goals of the study and the overall planning process. Among the findings, a high number of access points, a concentrations of crashes at various intersections, and the absence of bicycle and pedestrian facilities were discussed. Questions centered around the use of right-in, right-out access and the use of backage roads. Right-in, right-out access was meant to be temporary until a permanent solution involving back age roads was considered.
- Two alternatives were presented that included:
  - i. **Alternative 1:** Interchange Scenario – includes an interchange north of US-42 on US-33, generally shown in the area where Derio Road crosses over US-33
  - ii. **Alternative 2:** Non-Interchange Scenario – does not include a proposed interchange in the Derio Road overpass area
- The advantages and disadvantages of each alternative was discussed. Questions involved It was generally felt that both alternatives should be included in the plan. Comments centered on the need to understand the components of the transportation plan and its impact on specific properties.

**Next Steps**

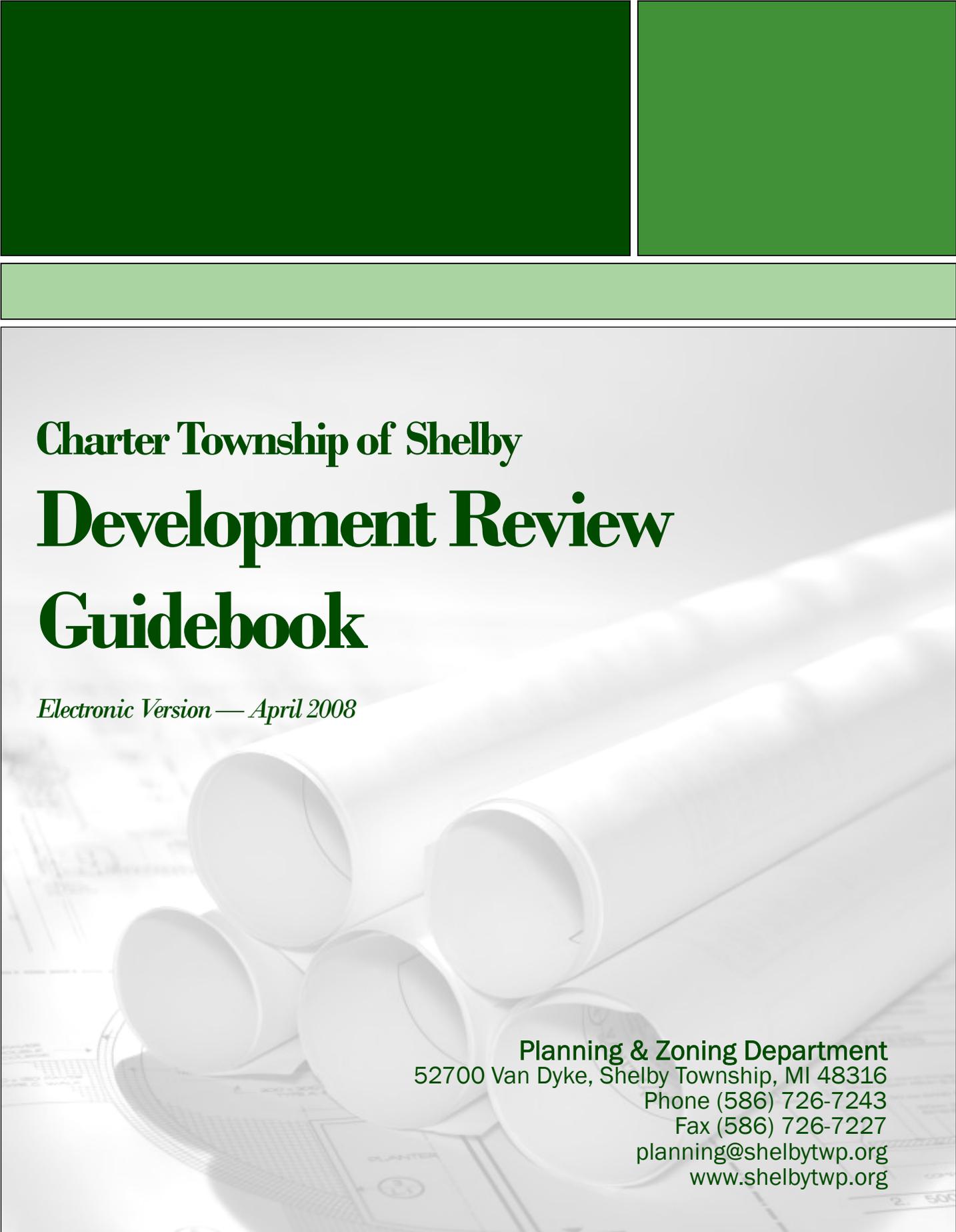
- The next steps include incorporating the results of the evenings meeting and preparing the draft report.

## **Example Community Impact Assessment Form / Checklist**

*Note: The following example document is from the Shelby Township, Michigan Planning and Zoning Department.*

**Example Development Checklist**  
Shelby Township, Michigan





# Charter Township of Shelby Development Review Guidebook

*Electronic Version — April 2008*

**Planning & Zoning Department**  
52700 Van Dyke, Shelby Township, MI 48316  
Phone (586) 726-7243  
Fax (586) 726-7227  
[planning@shelbytp.org](mailto:planning@shelbytp.org)  
[www.shelbytp.org](http://www.shelbytp.org)

# Users Guide

## A Quick Tutorial

### How do I navigate through the document?

The electronic version of the *Development Review Guidebook* contains bookmarks and links to ease navigation.

Clicking on a **bookmark** will take you directly to the section of the *Guidebook* that you are interested in. Clicking on the ( + ) or ( - ) symbol next to a bookmark will expand or collapse the bookmark list.

You can also click directly on the title of the section or form in the Contents list. Each of the listed Review Procedures and Forms provide a **link** directly to the page they reference.

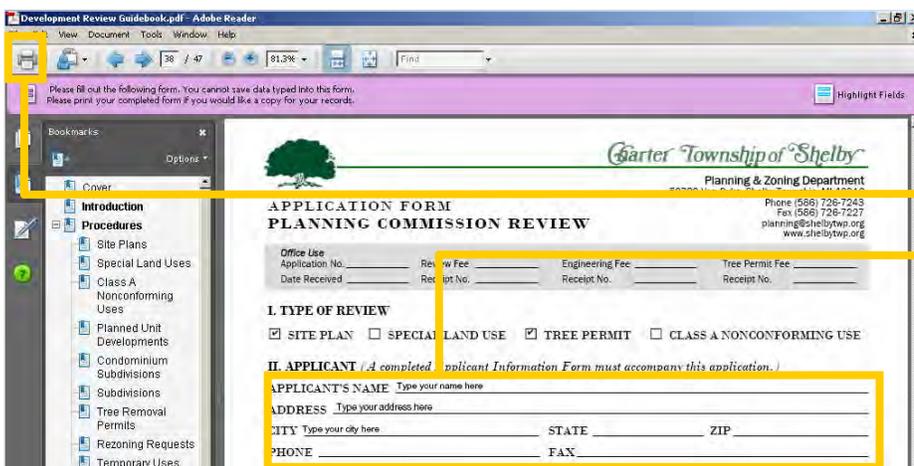
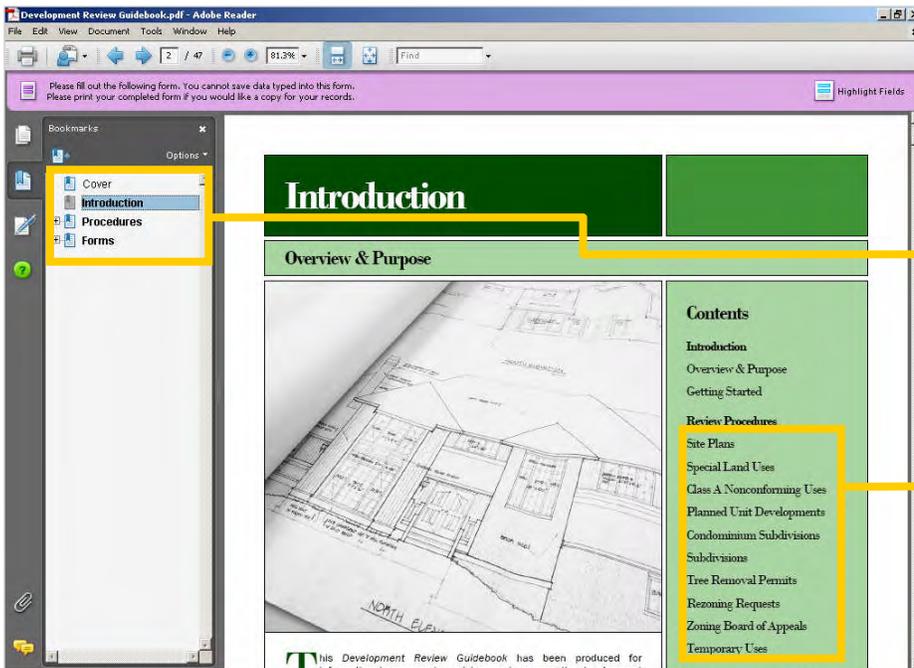
Adobe Acrobat software provides a number of toolbar buttons and menu options for scrolling through the document and changing the view, including:

● Magnification tools

● Previous and Next page

### How do I complete the forms?

The electronic version of the *Development Review Guidebook* allows you to fill in and **print** the Application Forms. Simply click on the lines and **type** in the required information. Once completed, you can print a hard copy of the Form and submit it to the Planning & Zoning Department.



# Introduction

## Overview & Purpose



**T**his *Development Review Guidebook* has been produced for informational purposes to assist property owners, the development community, and the general public. It is intended to be a user-friendly tool to assist in navigating through Shelby Township's development application and review process.

The Planning and Zoning Department has prepared this *Development Review Guidebook* for those who desire to have a general understanding of the development process in the Township. In the *Guidebook* you will find application forms and requirements, submittal checklists, easy-to-follow review process flowcharts, and answers to commonly asked questions.

This document is not an ordinance. It is important to note that the ordinances of the Township should be thoroughly researched before reaching any conclusions on questions related to development in Shelby Township. This document can be the source to begin your search for information.

A complete copy of the *Development Review Guidebook* can be obtained from the Planning and Zoning Department located in the Shelby Municipal Building, 52700 Van Dyke, Shelby Township, MI 48316, or downloaded from the Shelby Township website at [www.shelbytp.org](http://www.shelbytp.org).

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**Getting Started**

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**Class A Nonconforming Uses**

**Planned Unit Developments**

**Condominium Subdivisions**

**Subdivisions**

**Tree Removal Permits**

**Rezoning Requests**

**Zoning Board of Appeals**

**Temporary Uses**

**Application Forms**

**Planning Commission Review**

**Condominium Subdivision Review**

**Subdivision Review**

**Tree Removal Permit**

**Affidavit of No Regulated Trees**

**Rezoning Request**

**Zoning Board of Appeals**

**Minor Temporary Use**

**Applicant Information Form**

**Affidavit of Ownership of Land**

# Introduction

## Getting Started

### Where do I start?

Prior to a formal submission, it is strongly suggested that applicants contact the Planning and Zoning Department to discuss the proposed project or application and to obtain valuable information regarding ordinances, codes and procedures. This step can greatly facilitate a more timely review of your project or application.

### How can I obtain feedback prior to finalizing my plans?

There are two main ways to obtain feedback regarding a potential development proposal prior to a formal submission. While both are optional, applicants are strongly encouraged to pursue at least one of the following, particularly for large development proposals or unique or challenging sites:

#### Pre-Application Meeting

Applicants may request a meeting with the Planning and Zoning Department to collect information regarding ordinances and requirements, present conceptual development proposals, and obtain initial feedback. In some situations, attendance by other departments or the Township's engineering or planning consultants may also be requested if appropriate.

#### Planning Commission Study Meeting

Planning Commission study meetings offer applicants an opportunity to obtain preliminary feedback and comments from the Planning Commission as well as the Planning and Zoning Department.

Plans and any other supporting documentation must be submitted at least two (2) weeks prior to a scheduled study meeting. The submission should include 20 sets of a conceptual development plan, building elevations, and a cover letter explaining the project. Depending on the size of the project, plans may be submitted on 11"x17" sheets. Applicants should contact the Planning and Zoning Department to determine the appropriate plan submission format. One mounted set of plans suitable for display must be provided at the meeting. A portable easel will be available.

Each applicant will be given 30 to 40 minutes for discussion. This includes a 15 to 20 minute presentation and an additional 15 to 20 minutes for questions and comments from the Planning Commission.

A fee is required for each study meeting requested.

For more information, please contact Glenn Wynn, AICP, Planning Director at (586) 726-7243 or [planning@shelbytwp.org](mailto:planning@shelbytwp.org).

### Important Contacts

#### Shelby Township

##### Municipal Offices

52700 Van Dyke  
Shelby Township, MI 48316  
(586) 731-5100 phone  
[info@shelbytwp.org](mailto:info@shelbytwp.org)  
[www.shelbytwp.org](http://www.shelbytwp.org)

##### Planning & Zoning Department

Municipal Building — Upper Level  
(586) 726-7243 phone  
[planning@shelbytwp.org](mailto:planning@shelbytwp.org)

##### Building Department

Municipal Building — Upper Level  
(586) 731-5969 phone

##### Department of Public Works

6333 23 Mile Road  
Shelby Township, MI 48316  
(586) 731-5990 phone  
[dpw@shelbytwp.org](mailto:dpw@shelbytwp.org)

##### Township Engineer

Anderson, Eckstein and Westrick, Inc.  
(586) 726-1234 phone  
[aewinc@aewinc.com](mailto:aewinc@aewinc.com)

#### Macomb County

##### Road Commission

117 S. Groesbeck Highway  
Mount Clemens, MI 48043  
(586) 463-8671 phone  
[www.rcmcweb.org](http://www.rcmcweb.org)

##### Public Works Commissioner

21777 Dunham Road  
Clinton Township, MI 48036  
(586) 469-5325 phone

#### State of Michigan

##### Department of Environmental Quality—Southeast Michigan Office

27700 Donald Court  
Warren, MI 48092  
(586) 753-3700 phone  
[www.michigan.gov/deq](http://www.michigan.gov/deq)

# Procedures

*The following procedures are intended to provide a general understanding of the development processes in the Township. Included are descriptions of application requirements, submittal checklists, easy-to-follow review process flowcharts, and answers to commonly asked questions.*

**Planning & Zoning Department**  
52700 Van Dyke, Shelby Township, MI 48316  
Phone (586) 726-7243  
Fax (586) 726-7227  
planning@shelbytwp.org  
www.shelbytwp.org

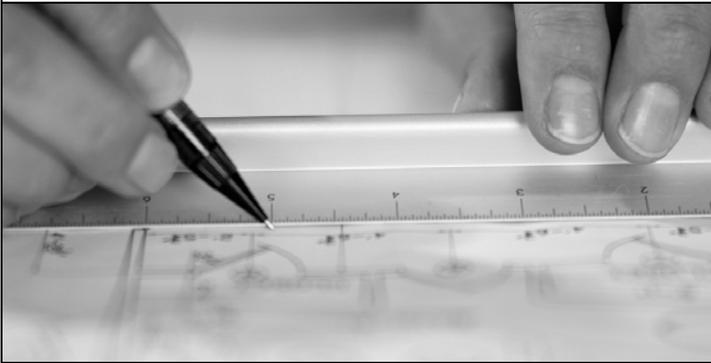
# Site Plans

## Overview

### When is a site plan required?

A site plan is required for review and approval by the Shelby Township Planning Commission:

- Whenever a building permit is required for the erection or structural alteration of a building (other than individual one-family homes and two-family structures, farm buildings, or accessory structures to these uses).
- For the construction, use, or establishment of a new or additional parking or storage area.
- For all special land uses.
- For any substantial change in use or class of use, when referred by the Building Director.
- For the erection of, or addition to, any major utility service facilities, including towers, substations, pump stations, and similar facilities.



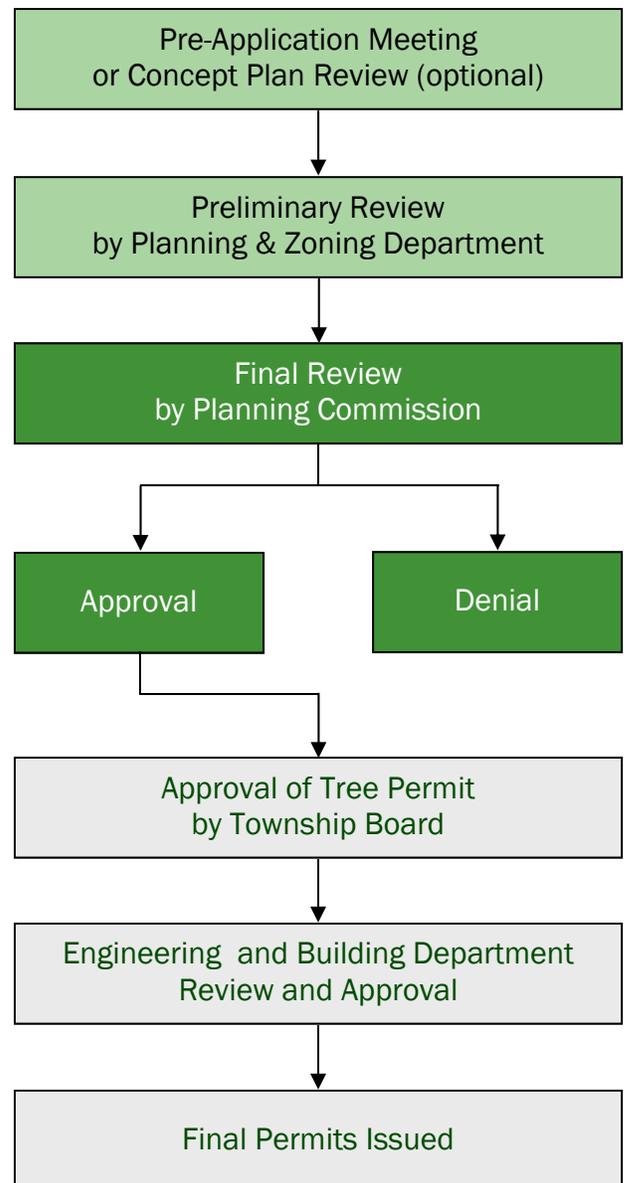
### Why is site plan review required?

Site plan review provides the Township with an opportunity to review the proposed use of a site in relation to all applicable Township ordinances and plans.

Site plan review also provides the Township with an opportunity to review the relationship of the plan to surrounding uses, accessibility, pedestrian and vehicular circulation, off-street parking, public utilities, drainage, natural features, screening, and other relevant factors which may have an impact on public health, safety, and general welfare.

### What is the site plan review process?

The site plan review process generally consists of two stages: 1) preliminary review, and 2) final review. Preliminary review *may* not be required if the project is moderate in scope. Please check with the Planning & Zoning Department to determine whether preliminary review is required.



# Site Plans

## Application Requirements

### What is required for preliminary site plan review?

The following must be submitted for preliminary review:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- One (1) original notarized Affidavit of Ownership and supporting ownership documentation.
- Seven (7) copies of the sealed site plan, floor plans, elevations, landscape plan and tree inventory (refer to Site Plan Checklist).
- Two (2) copies of the Development Impact Statement and/or Traffic Impact Study, if applicable.
- Engineering fee and tree review fee.

### What is required for final site plan review?

For projects that required preliminary site plan review, the following must be submitted for final review:

- Fifteen (15) copies of the sealed site plan, floor plans, elevations, landscape plan and tree inventory.
- Summary of changes incorporating all comments made during preliminary review.
- Twelve (12) copies of the Development Impact Statement and/or Traffic Impact Study, if applicable.
- Site plan review fee(s).

If any ownership information has changed since preliminary review, the following is also required:

- New completed Application Form with original signatures of the legal owner and applicant.
- New original notarized Affidavit of Ownership and supporting ownership documentation.

### What is required for site plan review of projects that do not go through preliminary review?

For projects that do not require preliminary site plan review, the following must be submitted for review by the Planning Commission:

- One (1) completed original Application Form with original signatures of the legal owner and applicant.
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- One (1) original notarized Affidavit of Ownership and supporting ownership documentation.
- Nineteen (19) copies of the sealed site plan, floor plans, elevations, landscape plan and tree inventory (refer to Site Plan Checklist).
- Twelve (12) copies of the Development Impact Statement and/or Traffic Impact Study, if applicable.
- All site plan review, engineering, and tree review fees.

### What are the submission deadlines for site plan review?

There are no submission deadlines for preliminary site plan review.

Plans submitted for preliminary review will typically be reviewed by the Planning and Zoning Department, and all other applicable Township departments, within approximately two (2) weeks of their submission.

Final site plans for review by the Planning Commission must be submitted to the Planning and Zoning Department at least fourteen (14) days prior to a regularly scheduled Planning Commission meeting.

Site plans will be scheduled for review in the order in which they are received and on the basis of completeness.

# Site Plans

## Site Plan Checklist

### What information must be included on a site plan?

All site plans submitted for review must include the information required by Section 7.02 of the Shelby Township Zoning Ordinance. Site plans must conform to current Township regulations and those of any other agency having jurisdiction. Incomplete site plans will not be accepted for review. The following checklist is intended to assist applicants in preparing a complete site plan.

- The seal and signature of the registered architect, landscape architect, community planner, land surveyor or professional engineer who prepared it.
- North point.
- Scale (1"=20'; for large scale developments, 1"=50' or 1"=100' may be acceptable).
- Complete legal description with designated point of beginning at a quarter section line.
- Size of site (acres).
- Location map (4"=1 mile) with major roads, cross streets and property lines, where necessary.
- Zoning of site and surrounding property.
- Existing and proposed topography at two (2) foot contours.
- Location and extent of wetland and floodplain areas, if applicable.
- Benchmarks with U.S.G.S. reference points.
- Location of existing and proposed structures and improvements.
- Existing off-site improvements within 200 feet of all property lines.
- Yards/setbacks and separation between buildings.
- Dimensions of all improvements and yards, labeled in a manner that clearly indicates compliance with Zoning Ordinance standards.
- Architectural building elevations (front, sides, rear) and type of surface materials and design of all exterior surfaces (all buildings and carports).
- Dimensioned floor plans (all buildings).
- Dimensions, locations, height and materials of all decks and patios.
- Existing and proposed rights-of-way for all abutting roads.
- Location and dimensions of all driveways and street approaches.
- Location of all driveways and streets opposite the site and within 100 feet of the site.
- Type of surface (paving) for access and circulation areas.
- Parking: location, number of spaces, space and aisle dimensions, type of surfacing, landscape island dimensions.
- Site circulation pattern, identification of all fire lanes, and location of emergency construction road.
- Location of sidewalks, interior walks and pedestrian connections.
- Landscape plan including ground cover and location, number, type and size of all existing and proposed plantings and method of irrigation.
- Tree inventory and identification of all trees (6" caliper or greater) proposed for removal.
- Location, cross-section and details of greenbelts, walls and berms.
- Location and screening of trash receptacles.
- Site lighting: location, height, type, intensity, shielding.
- Location of freestanding sign. (Note: signs are approved under separate review and permit process.)
- Location of all site utilities, including fire hydrants.

# Site Plans

## Common Questions

### Do I need to attend any meetings?

You will be notified of all meetings with your site plan on the agenda. It is strongly recommended that you have representation at all meetings at which your site plan will be discussed.

The Planning Commission may take action on a site plan whether the applicant is in attendance or not; however, action may be postponed if the applicant is not available to answer questions.

### What happens after final site plan approval?

Once approval is given for a site plan, the next step is to make any necessary changes to the plans as required by the Planning Commission. Upon revision, the applicant must submit the following to the Planning and Zoning Department for verification:

- Six (6) copies of the final revised site plan. One (1) copy must clearly highlight all revisions.
- Detailed summary of changes in response to Planning Commission comments.

Acceptable final plans will be stamped “approved” and signed by the Planning Director. One (1) copy of the approved plans will be returned to the applicant.

### Does final site plan approval allow me to begin construction?

No, final site plan approval does not authorize construction. Following site plan approval, permits to allow construction or begin the use must be sought through appropriate Township departments and other agencies.

Site plan approval indicates compliance with the Zoning Ordinance. It does not satisfy engineering or building requirements. Plans must be approved separately by the Township Engineer and the Building Department. A tree inspection may also be required.

### How long is site plan approval valid?

Site plan approval is valid for 24 months from the date of approval.

Within 24 months, the applicant shall have made application for a building permit or received engineering approval. Failure to do so will result in approval being null and void unless renewed or extended by the Planning Commission.

A request for extension shall be made in writing to the Planning Commission, and it will be addressed at the next available meeting. If approval is not extended before the expiration of the 24-month period, a new site plan application and approval shall be required before a building permit may be issued.

### How do I apply for a tree permit?

Tree permits are processed as part of site plan review; a separate application is not required.

A tree inventory must be submitted with the site plan (unless the Township Board approves an optional sketch after recommendation by the Planning Commission). Tree permits are approved by the Township Board upon recommendation by the Planning Commission and after final site plan approval.

Prior to issuance of the permit, final engineering approval is required and protective fencing must be installed and inspected.

### Who do I contact if I have more questions?

Contact the Shelby Township Planning and Zoning Department at:

Phone: (586) 726-7243

Email: [planning@shelbytwp.org](mailto:planning@shelbytwp.org)

Address: 52700 Van Dyke

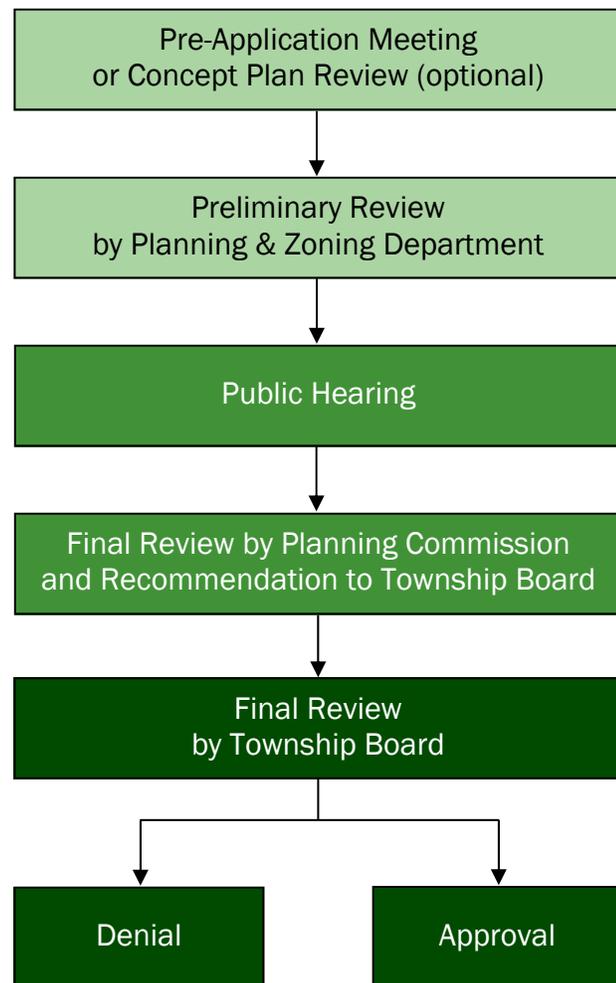
Shelby Township, MI 48316

# Special Land Uses

## Overview

### What is a special land use?

Special land uses are uses that *may* be permitted within a zoning district subject to special conditions and standards. Special land uses listed in the Zoning Ordinance may not always be permitted at all locations within a district. Special land uses are subject to the following: 1) specific use conditions listed in the ordinance, 2) standards for all special land uses listed in Section 13.01 of the Zoning Ordinance, 3) site plan review by the Planning Commission, and 4) final approval by the Township Board.

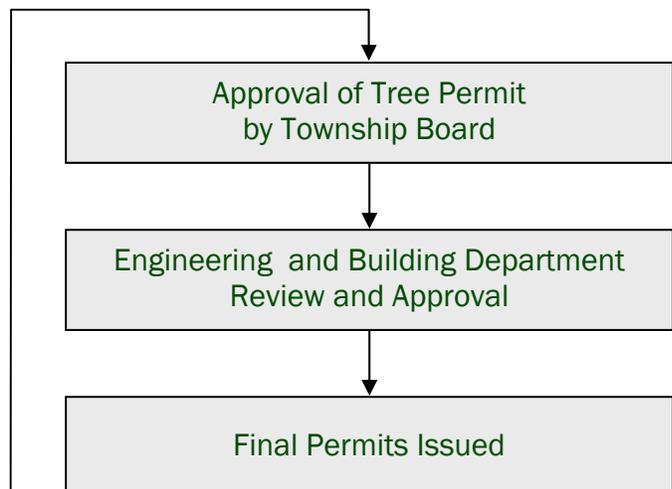


### What is the special land use review process?

The special land use review process generally follows the site plan review process with the addition of a public hearing before the Planning Commission and final review and approval by the Township Board.

A complete site plan application package is required for all special land use proposals.

Preliminary review *may* not be required if the project is moderate in scope. Please check with the Planning & Zoning Department to determine whether preliminary review is required.



# Special Land Uses

## Application Requirements

### What is required for preliminary review?

The following must be submitted for preliminary review of all special land uses:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- One (1) original notarized Affidavit of Ownership and supporting ownership documentation.
- Seven (7) copies of the sealed site plan, floor plans, elevations, landscape plan and tree inventory (refer to Site Plan Checklist).
- Seven (7) copies of written response to special land use standards.
- Two (2) copies of the Development Impact Statement and/or Traffic Impact Study, if applicable.
- Engineering fee and tree review fee.

### What information must be included on the site plan?

All special land use proposals must be accompanied by a complete site plan application package that includes the information required by Section 7.02 of the Zoning Ordinance.

Site plans must demonstrate compliance with all applicable standards for the proposed use and development and the special land use standards contained in Section 13.01 of the Zoning Ordinance.

Site plans must conform to current Township regulations and those of any other agency having jurisdiction.

Incomplete site plans will not be accepted for review. Please refer to the Site Plan Procedures and Checklist for assistance in preparing a complete site plan package.

### What is required for final review?

The following must be submitted for final review of all special land uses:

- Fifteen (15) copies of the sealed site plan, floor plans, elevations, landscape plan and tree inventory (refer to Site Plan Checklist).
- Fifteen (15) copies of written response to special land use standards.
- Summary of changes incorporating all comments made during preliminary review.
- Twelve (12) copies of the Development Impact Statement and/or Traffic Impact Study, if applicable.
- Site plan review fee(s).

If any ownership information has changed since preliminary review, or if preliminary review was not required, the following must also be submitted:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- One (1) original notarized Affidavit of Ownership and supporting ownership documentation.

### What are the submission deadlines for special land use review?

There are no submission deadlines for preliminary review. Plans will typically be reviewed by the Planning and Zoning Department, and all other applicable Township departments, within approximately two (2) weeks of their submission.

Final plans for review by the Planning Commission must be submitted to the Planning and Zoning Department at least four (4) weeks prior to a scheduled public hearing meeting. Applications will be scheduled for public hearing in the order in which they are received and on the basis of completeness.

# Special Land Uses

## Special Land Use Standards

### What are the review standards for special land uses?

All applications for special land use approval shall be accompanied by a written narrative responding to the following general review standards contained in Section 13.01 of the Shelby Township Zoning Ordinance:

- The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.
- The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfaces in residential districts.
- The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating there from which might be noxious to the occupants of any other nearby uses permitted, whether by reason of dust, noise, fumes, vibration, smoke or lights.
- The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
- The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the township.
- The proposed use offers a service for the public convenience at the proposed location.
- The proposed use is so designated, located, planned and to be operated that the public health, safety and welfare will be protected.
- The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.



# Special Land Uses

## Common Questions

### Do I need to attend any meetings?

You will be notified of all meetings with your special land use request on the agenda. It is strongly recommended that you have representation at all meetings at which your request will be discussed.

Action may be taken on a special land use request whether the applicant is in attendance or not; however, action may be postponed if the applicant is not available to answer questions.

### What happens after the Planning Commission's final review?

After final review of the special land use request, the Planning Commission will make a recommendation to the Township Board. The Township Board has final approval authority for all special land uses.

### Does final approval allow me to begin construction?

Final approval does not authorize construction. Following approval, permits to allow construction or begin the use must be sought through appropriate Township departments and other agencies.

Special land use approval confers compliance with the Zoning Ordinance. It does not satisfy engineering or building requirements. Plans must be approved separately by the Township Engineer and the Building Department. A tree inspection may also be required.

### How do I apply for a tree permit?

Tree permits are processed as part of site plan review; a separate application is not required. A tree inventory must be submitted (unless the Township Board approves an optional sketch). Prior to issuance of the permit, final engineering approval is required and protective fencing must be installed and inspected.

### What happens after final approval?

Once approval is given for a special land use, the next step is to make any necessary changes to the plans as required by the Planning Commission or Township Board. Upon revision, the applicant must submit the following to the Planning and Zoning Department for verification:

- Six (6) copies of the final revised site plan. One (1) copy must clearly highlight all revisions.
- Detailed summary of changes in response to Planning Commission or Township Board comments.

Acceptable final plans will be stamped "approved" and signed by the Planning Director. One (1) copy of the approved plans will be returned to the applicant.

### How long is approval valid?

Special land use approval is valid for 24 months from the date of approval. Within 24 months, the applicant shall have made application for a building permit or received engineering approval. Failure to do so will result in approval being null and void.

A request for extension shall be made in writing to the Township Board, and it will be addressed at the next available meeting. If approval is not extended before the expiration of the 24-month period, a new application and approval shall be required.

### Who do I contact if I have more questions?

Contact the Shelby Township Planning and Zoning Department at:

Phone: (586) 726-7243

Email: [planning@shelbytwp.org](mailto:planning@shelbytwp.org)

Address: 52700 Van Dyke

Shelby Township, MI 48316

# Class A Nonconforming Uses

## Overview

### What are “nonconforming” uses?

Nonconforming uses are uses that were legally established but that no longer comply with Ordinance regulations due to the adoption or amendment of the Zoning Ordinance.

A nonconforming use may be continued; however, alteration and enlargement of the use depends upon whether it is designated as a Class A or a Class B nonconforming use.

Nonconforming uses that were not legally established shall not be permitted to continue.

### How are nonconforming uses classified by the Zoning Ordinance?

The Shelby Township Zoning Ordinance establishes two classes of nonconforming uses:

- Class A are those that can be altered, restored, reconstructed, or changed.
- Class B are those that are not desirable and useful and that are only allowed to continue until they are removed or abandoned.

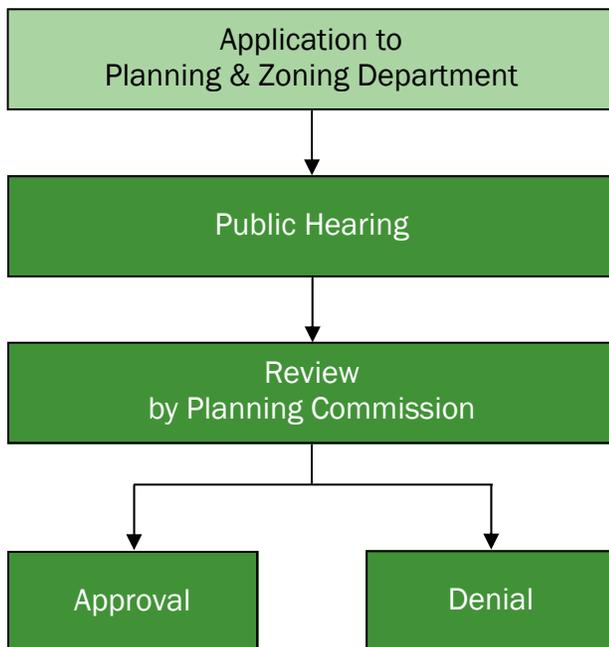
All nonconforming uses are designated as Class B unless specifically granted Class A status by the Planning Commission.

Refer to Article 14 of the Shelby Township Zoning Ordinance for the complete text of all procedures, regulations, and conditions that are applicable to nonconforming uses.

### What are the procedures for obtaining Class A designation?

The Planning Commission has sole authority to grant Class A status to nonconforming uses.

Prior to its decision, the Planning Commission shall hold a public hearing on the request.



### What is the difference between Class A and Class B nonconforming uses?

Class A nonconforming uses:

- May be used, altered or enlarged, subject to any conditions imposed by the Planning Commission. (Enlargement of a Class A use may only be permitted if the Planning Commission specifically established the limits of enlargement at the time it was designated as Class A.)
- Shall be permitted to be restored if destroyed.
- May be changed to another nonconforming use subject to Planning Commission approval.

Class B nonconforming uses:

- Shall not be enlarged or extended, nor shall the structure it occupies be repaired or reconstructed if damaged by more than 50% of the replacement cost.
- Shall not be changed to a substantially different nonconforming use.
- Shall not be moved to any other portion of the property.

# Class A Nonconforming Uses

## Requirements for Class A Designation

### What are the application requirements for Class A designation?

The following must be submitted for consideration:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- One (1) original notarized Affidavit of Ownership and supporting ownership documentation.
- Seventeen (17) copies of a plot plan.
- Written explanation of the request (description, drawings, and photographs, as appropriate).
- Review fee.

### What are the standards for Class A designation?

Prior to granting Class A status to a nonconforming use, the Planning Commission must find that all of the following conditions are met:

- Continuance of the use would not be contrary to the public health, safety or welfare, or the spirit and intent of the Zoning Ordinance.
- The use does not, and is not likely to, significantly depress the value of nearby properties.
- The use was lawful at the time of its inception.
- No useful purpose would be served by strict application of the provisions or requirements of this ordinance with which the use does not conform.

## Common Questions

### Do I need to attend any meetings?

You will be notified of all meetings with your Class A Nonconforming Use request on the agenda. It is strongly recommended that you have representation at all meetings at which your application will be discussed.

The Planning Commission may take action on an application whether the applicant is in attendance or not; however, action may be postponed if the applicant is not available to answer questions.

It is strongly recommended that you consult Article 14 of the Shelby Township Zoning Ordinance for the complete text of all procedures, regulations, and conditions that are applicable to nonconforming uses.

Specific conditions apply to the use, alteration, and abandonment of nonconforming uses.

### Can Class A status be revoked?

Yes. Any Class A designation shall be revoked, following the same procedures required for designation, upon a finding that, as a result of a change of conditions or circumstances, the use or structure no longer qualifies for Class A designation.

### Who do I contact if I have more questions?

Contact the Shelby Township Planning and Zoning Department at:

Phone: (586) 726-7243  
Email: [planning@shelbytwp.org](mailto:planning@shelbytwp.org)  
Address: 52700 Van Dyke  
Shelby Township, MI 48316

# Planned Unit Developments

## Overview

### What is a Planned Unit Development?

A Planned Unit Development (PUD) is a development option that permits flexibility in development regulations. The PUD requirements of Zoning Ordinance Section 13.37 are intended to accomplish the objectives of the Ordinance through a review process based on site planning criteria that integrates the proposed development with the characteristics of the site. PUDs are intended to achieve the following objectives:

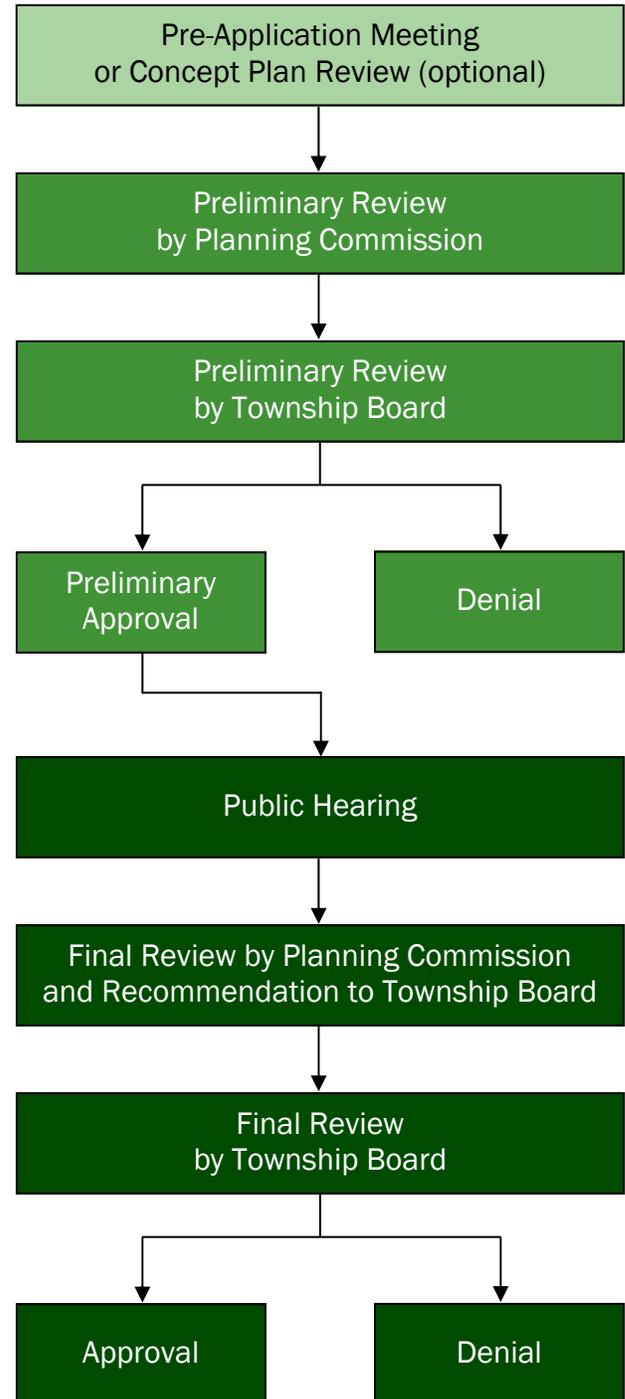
- Encourage innovation in land use and variety in design, layout, and types of structures.
- Achieve economic and efficient uses of land, natural resources, energy and the provision of public services and utilities.
- Encourage the provision of useful open space, where appropriate.
- Provide better housing, employment and commercial opportunities particularly suited to the needs of the Township.

### What is the PUD review process?

The Planned Unit Development review process is a two-step process: 1) preliminary review, and 2) final review. The Planning Commission and Township Board are involved in both steps of the review process.

The preliminary review step provides an opportunity for the applicant, Planning Commission and Township Board to become generally acquainted with the proposed project and discuss features of the PUD. If after preliminary review the Township Board agrees the proposed project has merit and potential to meet Ordinance requirements, an application for final review may be filed by the applicant.

A complete site plan package is required for all Planned Unit Development proposals. Applications for PUD approval must also be accompanied by a written narrative responding to the general review standards for special land uses contained in Section 13.01 of the Shelby Township Zoning Ordinance (refer to procedures and standards for Special Land Uses).



# Planned Unit Developments

## Application Requirements

### What is required for preliminary Planned Unit Development review?

The following must be submitted for preliminary review of all Planned Unit Developments:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- One (1) original notarized Affidavit of Ownership and supporting ownership documentation.
- Seventeen (17) copies of the sealed preliminary PUD site plan, floor plans, elevations, landscape plan and tree inventory (refer to preliminary PUD Checklist).
- Seventeen (17) copies of written response to special land use standards of Section 13.01.
- All site plan review, engineering, and tree review fees.

### What are the submission deadlines for PUD review?

Site plans for preliminary review must be submitted to the Planning and Zoning Department at least fourteen (14) days prior to a regularly scheduled Planning Commission meeting.

Site plans will be scheduled for preliminary review in the order in which they are received and on the basis of completeness.

Site Plans for final review must be submitted to the Planning and Zoning Department at least four (4) weeks prior to a scheduled Planning Commission public hearing meeting.

Applications for final PUD review will be scheduled for public hearing in the order in which they are received and on the basis of completeness.

Incomplete site plans will not be accepted for review.

### What is required for final Planned Unit Development review?

The following must be submitted for final review of all Planned Unit Developments:

- Nineteen (19) copies of the sealed final site plan, floor plans, elevations, landscape plan and tree inventory (refer to Site Plan and PUD Checklists).
- Nineteen (19) copies of written response to special land use standards of Section 13.01.
- Summary of changes incorporating all comments made during preliminary review.
- Twelve (12) copies of the Development Impact Statement and/or Traffic Impact Study, if applicable.
- Site plan review fee(s).

It is strongly recommended that you consult Section 13.37 of the Shelby Township Zoning Ordinance for the complete text of all procedures, regulations, and conditions that are applicable to Planned Unit Developments.

The Township Board, with recommendation by the Planning Commission, shall have discretionary authority to consider and may modify the applicable minimum PUD and zoning district requirements.



# Planned Unit Developments

## Planned Unit Development Checklists

### What information must be included on a preliminary PUD site plan?

Preliminary PUD site plans submitted for review must include the information required by Section 13.37.D.1 of the Shelby Township Zoning Ordinance. The following checklist is intended to assist applicants in preparing a complete preliminary PUD site plan.

- Preliminary PUD plan at a clearly understandable scale, indicating proposed land use area(s), their relationship to each other, circulation patterns, and existing site characteristics.
- Existing topography at two-foot intervals for the PUD area and all nearby areas. If the land is generally flat, grade shots shall be provided at intervals necessary to identify any grade differential.
- Map of the Township indicating the PUD area and its relationship to existing roads, streets and use districts within, and immediately adjacent to, the Township.
- Existing utilities, including storm drain facilities.
- Preliminary architectural plans for all buildings, including use areas and number of units per building.
- Intensity of commercial or industrial uses and number of units by type.
- Adequacy of public and private services and infrastructure.
- Existing and proposed land use and development features as they impact neighboring properties.

### What information must be included on a final PUD site plan?

Final PUD proposals must include the information required by Section 7.02 and Section 13.37.D.3 of the Zoning Ordinance. Site plans must conform to current Township regulations and those of any other agency having jurisdiction. Incomplete site plans will not be accepted for review. The following checklist is intended to assist applicants in preparing a final PUD site plan.

- All required site plan content (refer to Section 7.02 and Site Plan Checklist).
- Boundary survey of exact acreage.
- A physical features map of the PUD and vicinity, including topography at two-foot intervals (or grade shots, where applicable), trees, water bodies, and unbuildable areas.
- Legal description of property.
- Aerial photograph of property not more than 5 years old (minimum scale: 1" = 100').
- Existing and proposed streets and other developments within and surrounding the PUD area.
- Plan for the entire PUD including functional use areas and dwelling units by type; density; traffic and pedestrian circulation plan; public utilities plan; location of buildings, driveways, walkways, parking areas, natural areas; sites reserved for public facilities and service activities; playgrounds, recreation areas and open spaces; common and public areas.
- Preliminary estimate of storm water flow and sanitary sewage volume.
- Schedule of proposed timing, phasing and parcelization, if appropriate.
- Statement of covenants, grants of easements, etc.
- Written impact statement.

# Planned Unit Developments

## Common Questions

### Do I need to attend any meetings?

You will be notified of all meetings with your Planned Unit Development proposal on the agenda. It is strongly recommended that you have representation at all meetings at which your proposal will be discussed.

Action may be taken on a Planned Unit Development proposal whether the applicant is in attendance or not; however, action may be postponed if the applicant is not available to answer questions.

### Can I amend an approved PUD?

Minor changes to an approved PUD may be authorized by the Planning Commission through the site plan review process. Major amendments must be approved according to the full PUD review process.

No variance requests to the Zoning Board of Appeals shall be permitted for approved PUDs. All changes must be made in accordance with Section 13.37.

### Does final approval allow me to begin construction?

Final approval does not authorize construction. Following approval, permits to allow construction or begin the use must be sought through appropriate Township departments and other agencies.

Plans must be approved separately by the Township Engineer and the Building Department. A tree inspection may also be required.

### How do I apply for a tree permit?

Tree permits are processed as part of site plan review; a separate application is not required. A tree inventory must be submitted (unless the Township Board approves an optional sketch). Prior to issuance of the permit, final engineering approval is required and protective fencing must be installed and inspected.

### What happens after final approval?

Once approval is given for a Planned Unit Development, the next step is to make any necessary changes to the plans as required by the Planning Commission or Township Board. Upon revision, the applicant must submit the following to the Planning and Zoning Department for verification:

- Six (6) copies of the final revised site plan. One (1) copy must clearly highlight all revisions.
- Detailed summary of changes in response to Planning Commission or Township Board comments.

Acceptable final plans will be stamped “approved” and signed by the Planning Director. One (1) copy of the approved plans will be returned to the applicant.

### How long is approval valid?

Application for a building permit must be filed within 24 months from the date of PUD approval. The Township Board may grant 12-month extensions of PUD approval upon proper application.

A request for extension shall be made in writing to the Township Board, and it will be addressed at the next available meeting. If approval is not extended before the expiration of the approval period, a new PUD application and approval shall be required before a building permit may be issued.

### Who do I contact if I have more questions?

Contact the Shelby Township Planning and Zoning Department at:

Phone: (586) 726-7243

Email: [planning@shelbytwp.org](mailto:planning@shelbytwp.org)

Address: 52700 Van Dyke

Shelby Township, MI 48316

# Condominium Subdivisions

## Overview

### What is the intent of condominium subdivision review?

The intent of condominium subdivision review is to ensure that all condominium subdivisions (or site condominiums) are developed in a manner that conforms with acceptable planning, zoning and engineering standards applicable to similar forms of detached single family development in the Township.

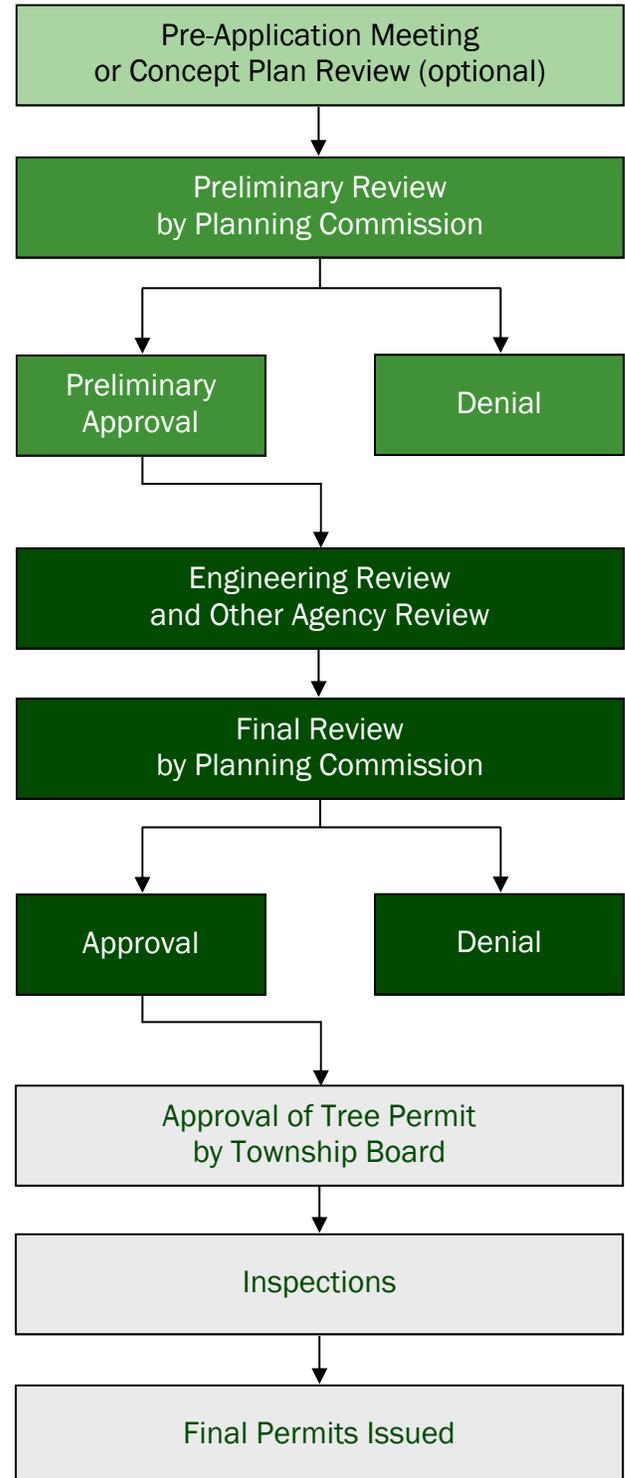


### What is the condominium subdivision review process?

The condominium subdivision review process is a two-step process: 1) preliminary review, and 2) final review. The Planning Commission has review and approval authority over both steps of the process.

After receiving preliminary approval, the applicant must submit engineering plans for review and approval by the Township Engineer for all proposed improvements including roads, utilities and storm drainage.

The final review may be initiated by the applicant once the engineering plans have been approved.



# Condominium Subdivisions

## Application Requirements

### What is required for preliminary review?

The following must be submitted for preliminary review of all condominium subdivisions:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- One (1) original notarized Affidavit of Ownership and supporting ownership documentation.
- Nineteen (19) copies of the sealed preliminary condominium site plan and tree inventory (refer to Condominium Subdivision Checklist).
- Nineteen (19) copies of a 200' scale section map with proposed condominium superimposed.
- Twelve (12) copies of the Development Impact Statement and/or Traffic Impact Study, if applicable.
- Review fees

### What is required for final review?

The following must be submitted for final review of all condominium subdivisions:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- Nineteen (19) copies of the sealed final condominium site plan and tree inventory (refer to Condominium Subdivision Plan Checklist).
- Copies of approval letters from all applicable State, County, and local review agencies.
- Summary of changes incorporating all comments made during preliminary review.
- Twelve (12) copies of the Development Impact Statement and/or Traffic Impact Study, if applicable.
- Copy of proposed Master Deed, all restrictive covenants to be applied to the project, and condominium by-laws.
- All site plan review, engineering, and tree review fees.

If any ownership information has changed since preliminary review, the following is also required:

- New original notarized Affidavit of Ownership and supporting ownership documentation.

### What are the submission deadlines for preliminary and final condominium subdivision plan review?

Site plans for preliminary and final review must be submitted to the Planning and Zoning Department at least fourteen (14) days prior to a regularly scheduled Planning Commission meeting.

Site plans will be scheduled for preliminary review in the order in which they are received and on the basis of completeness.

Incomplete site plans will not be accepted for review.



# Condominium Subdivisions

## Condominium Subdivision Checklists

### What information must be included on a condominium subdivision site plan?

Preliminary and final condominium subdivision site plans must include the following information as required by Section 9.00.H.1 of the Shelby Township Zoning Ordinance:

- Boundary survey of the site.
- All natural and man-made features on the site including, but not limited to, drains, ponds, lakes, streams, floodplains, wetlands and woodland areas.
- The location, size, shape, area and width of all condominium units and common areas and the location of all proposed streets.
- Tree inventory and identification of all trees (6" caliper or greater) proposed for removal.
- Applicable required site plan content (refer to Section 7.02 and Site Plan Checklist).

### What are the standards for condominium subdivisions?

Condominium subdivisions shall conform to the yard setback and density requirements of the applicable zoning district.

In addition, condominium subdivisions must conform to the design standards of the Land Development Chapter of the Shelby Township Code of Ordinances including the following:

- Earth Removal (*Article III*)
- Subdivision Design Standards (*Article IV, Section 30-136*)
- Cluster and Planned Neighborhood Development (*Article IV, Section 30-137*)
- Subdivision and Project Improvements (*Article IV, Section 30-138*)
- Construction Limitations (*Article IV, Section 30-139*)

# Condominium Subdivisions

## Common Questions

### Do I need to attend any meetings?

You will be notified of all meetings with your site plan on the agenda. It is strongly recommended that you have representation at all meetings at which your site plan will be discussed.

The Planning Commission may take action on a site plan whether the applicant is in attendance or not; however, action may be postponed if the applicant is not available to answer questions.

### Does final approval allow me to begin construction?

Final approval does not authorize construction. Following approval, permits to allow construction of site improvements must be sought through appropriate Township departments and other agencies. A tree inspection may also be required.

A final certificate of occupancy will not be issued and any construction bonds or letters of credit will not be released to the developer until an as-built mylar has been reviewed and accepted by the Township.

### What happens after final approval?

Once final site plan approval is given for a condominium subdivision, the next step is to make any necessary changes to the plans as required by the Planning Commission.

Upon revision, the applicant must submit the following to the Planning and Zoning Department for verification:

- Six (6) copies of the final revised site plan. One (1) copy must clearly highlight all revisions.
- Detailed summary of changes in response to Planning Commission comments.

Acceptable final plans will be stamped “approved” and signed by the Planning Director.

One (1) copy of the approved plans will be returned to the applicant.

### How do I apply for a tree permit?

Tree permits are processed as part of site plan review; a separate application is not required.

A tree inventory must be submitted with the site plan (unless the Township Board approves an optional sketch after recommendation by the Planning Commission).

Tree permits are approved by the Township Board upon recommendation by the Planning Commission and after final site plan approval.

Prior to issuance of the permit, final engineering approval is required and protective fencing must be installed and inspected.

### How long is approval valid?

Application for a building permit must be filed within 24 months from the date of final approval. The Planning Commission may grant 12-month extensions upon proper application.

A request for extension shall be made in writing to the Planning Commission, and it will be addressed at the next available meeting.

If approval is not extended before the expiration of the approval period, a new application and approval shall be required before a building permit may be issued.

### Who do I contact if I have more questions?

Contact the Shelby Township Planning and Zoning Department at:

Phone: (586) 726-7243

Email: [planning@shelbytp.org](mailto:planning@shelbytp.org)

Address: 52700 Van Dyke

Shelby Township, MI 48316

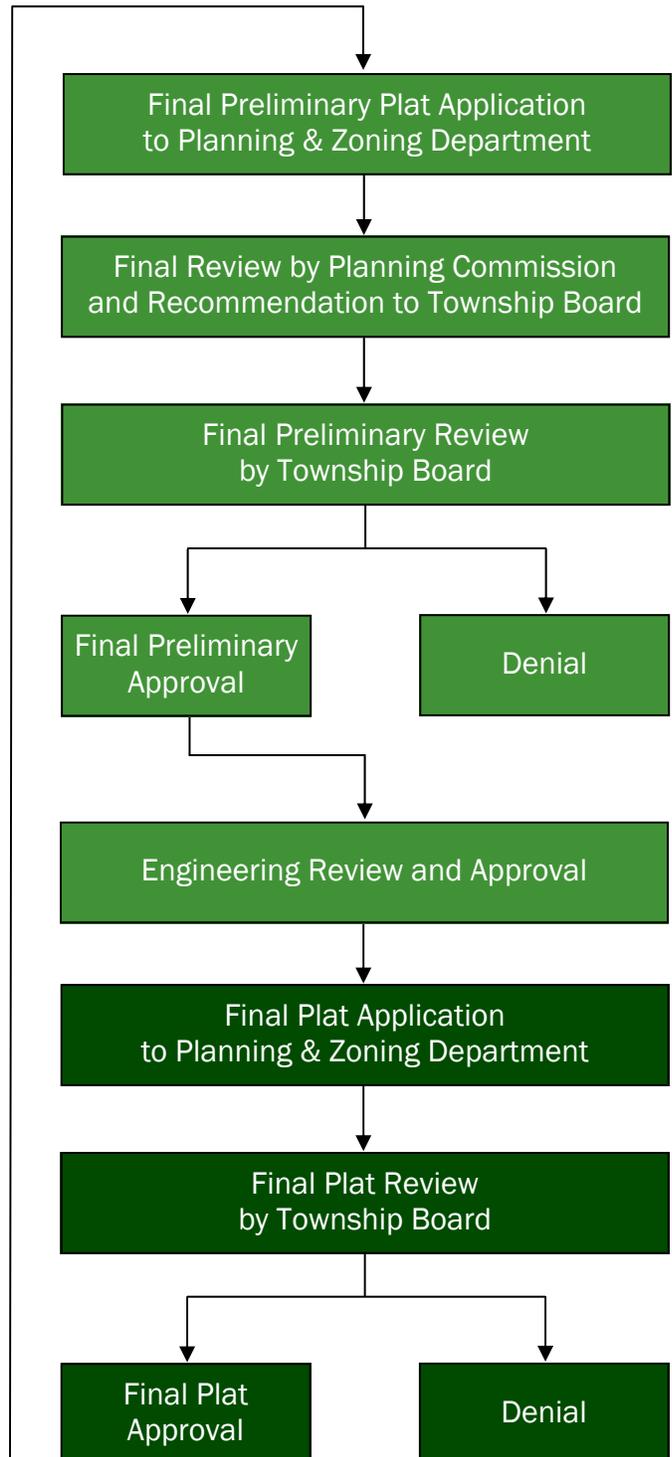
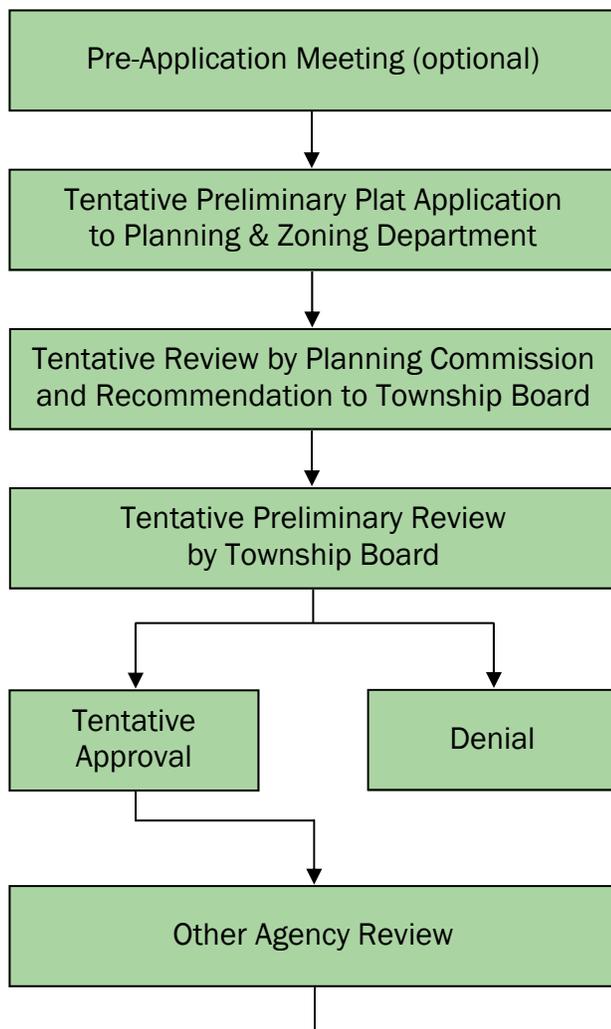
# Subdivisions

## Overview

### What is the subdivision review process?

The subdivision review process has been established by the State of Michigan Land Division Act.

While the flowchart provides an overview of the Township approval process, applicants should closely review the Shelby Township Subdivision Regulations (Article IV, Chapter 30 Land Development, Shelby Code of Ordinances) and the State Land Division Act for all procedures and requirements of the plat review and approval process. Applicants are encouraged to schedule a pre-application meeting as provided for in the Land Division Act.



# Subdivisions

## Preliminary Plat

### What is required for tentative preliminary review of the preliminary plat?

The following must be submitted:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- One (1) original notarized Affidavit of Ownership and supporting ownership documentation.
- Seventeen (17) copies of the preliminary plat, section map (at 200' scale) with subdivision superimposed, and tree inventory.
- Seventeen (17) copies of the Development Impact Statement and/or Traffic Impact Study, if applicable.
- Proof that preliminary plat was submitted to school district.
- Comments from Macomb County Plat Coordinating Committee.
- Review fees.

### What information must be included on a preliminary plat?

Preliminary plats submitted for tentative approval must include the information required by Section 30-133(b) of the Shelby Township Subdivision Regulations (Article IV, Chapter 30 Land Development, Shelby Code of Ordinances).

For final approval, preliminary plats must include the information required by Section 30-133(g) of the Shelby Township Subdivision Regulations (Article IV, Chapter 30 Land Development, Shelby Code of Ordinances). Plats must demonstrate compliance with all applicable subdivision design standards, other Township regulations and those of any other agency having jurisdiction.

### What is required for final preliminary review of the preliminary plat?

The following must be submitted for final preliminary review of the preliminary plat:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- One (1) original notarized Affidavit of Ownership and supporting ownership documentation.
- Seventeen (17) copies of the preliminary plat, section map (at 200' scale) with subdivision superimposed, and tree inventory.
- Summary of changes incorporating all comments made during tentative review.
- Certificate of insurance in the amount of \$500,000 naming the Charter Township of Shelby as an additional insured party.
- Comments from Macomb County Road Commission and Drain Commission.
- Approval of Michigan Department of Environmental Quality (if applicable).
- Review fees.

### What are the submission deadlines for tentative and final preliminary plat review?

Preliminary plats must be submitted at least fourteen (14) days prior to a regularly scheduled Planning Commission meeting.

Applications for subdivision review must be filed with the Office of the Township Clerk.

# Subdivisions

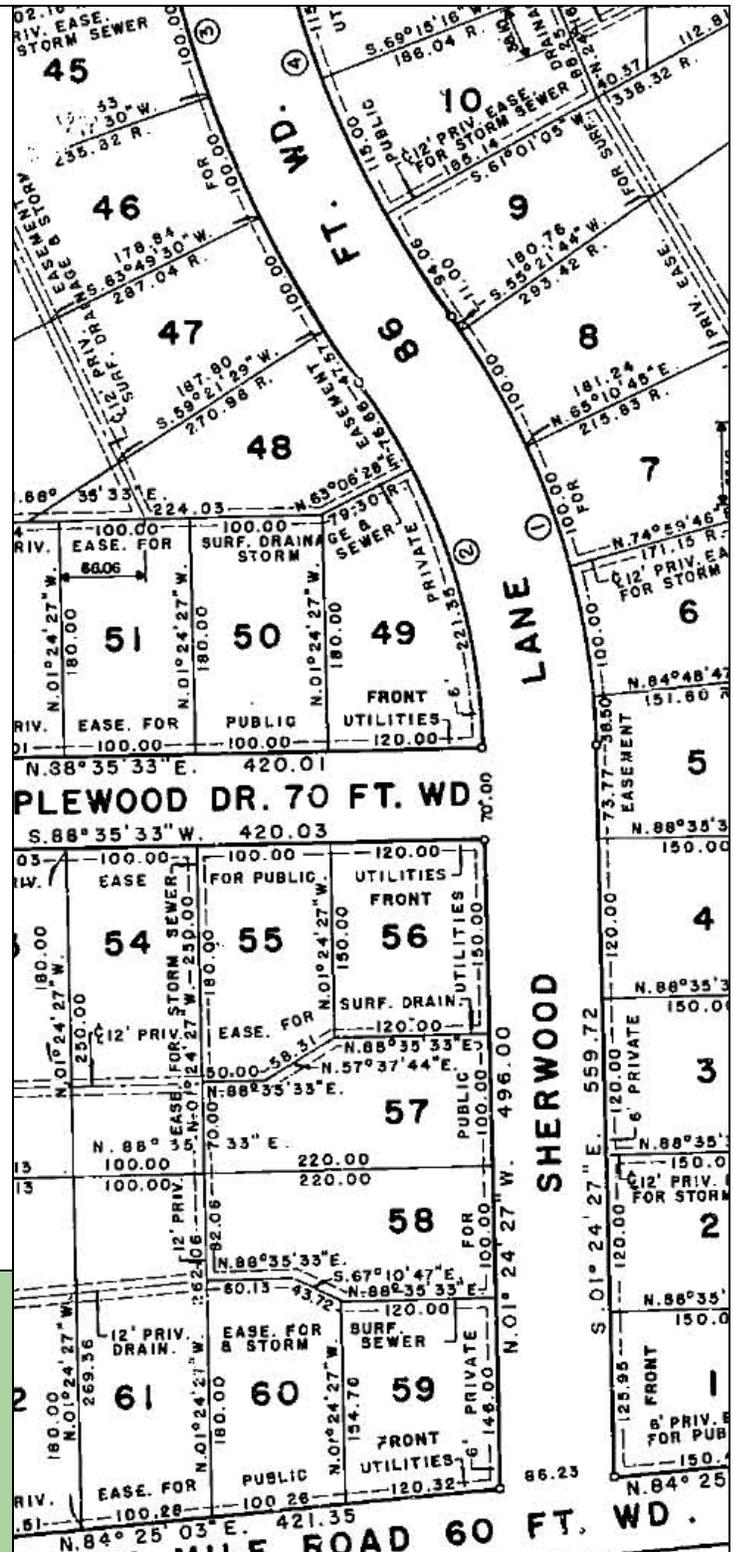
## Final Plat

### What is required for final plat review?

The following must be submitted for final review of the final plat:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- One (1) original notarized Affidavit of Ownership and supporting ownership documentation.
- Fourteen (14) copies of the final plat.
- One (1) mylar of the final plat.
- One (1) mylar (at 200' scale) of the final plat.
- One (1) digital version of final plat on compact disc.
- Two (2) signed sets of subdivision restrictions.
- Title policy.
- Certificate of insurance in the amount of \$500,000 naming the Charter Township of Shelby as an additional insured party.
- Subdivision Association Articles of Incorporation and Bylaws.
- Grading plan.
- Escrow payments for sanitary sewer, water mains, storm sewer, paving, monuments and irons, sidewalks on major streets, and stub street signs.
- Fees for street signs, subdivision entrance lights, subsurface drainage, and lake construction (if applicable).
- Inspection and review fees.

The final plat shall conform substantially to the preliminary plat as approved. The final plat shall also comply with the provisions of the State of Michigan Land Division Act



# Subdivisions

## Common Questions

### Do I need to attend any meetings?

You will be notified of all meetings with your subdivision proposal on the agenda.

It is strongly recommended that you have representation at all meetings at which your proposal will be discussed.

Action may be taken by the Planning Commission or Township Board whether the applicant is in attendance or not; however, action may be postponed if the applicant is not available to answer questions.

### Does final approval allow me to begin construction?

Upon final approval of the final preliminary plat, approval of the engineering plans, issuance of all necessary permits, construction of site improvements may begin.

No building permits shall be issued for any residential construction other than for the erection of a sales model unless and until the Township has approved and accepted all public improvements installed.

### What other permits and procedures should I be aware of?

- If there is a lake or retention pond, an Earth Removal Permit and/or Lake Construction Permit will be required.
- Facilities Easement, a Storm Water Facilities Construction Agreement, and a Retention Basin Operation and Maintenance Agreement must be submitted for review and approval by the Township Attorney.
- There may be a number of other reviews and permits required by other County and State agencies. Applicants are encouraged to schedule a pre-application meeting as provided for by the Land Division Act.

### How long is approval valid?

Tentative approval of a preliminary plat is valid for twelve (12) months from the date of tentative approval.

Approval of a final preliminary plat is valid for twenty four (24) months from the date of final approval.

Application for review of a final plat will not be accepted upon expiration of the preliminary plat.

### How do I apply for a tree permit?

Tree permits are processed as part of preliminary plat review; a separate application is not required.

A tree inventory must be submitted with the preliminary plat (unless the Township Board approves an optional sketch after recommendation by the Planning Commission).

Tree permits are approved by the Township Board, upon recommendation by the Planning Commission, simultaneous with the approval of the final preliminary plat.

Prior to issuance of the permit, final engineering approval is required and protective fencing must be installed and inspected.

Tree removal is limited to the construction of the roads and utilities; trees on individual lots may not be removed until the building permit for the lot has been issued by the Building Department.

### Who do I contact if I have more questions?

Contact the Shelby Township Planning and Zoning Department at:

Phone: (586) 726-7243

Email: [planning@shelbytwp.org](mailto:planning@shelbytwp.org)

Address: 52700 Van Dyke

Shelby Township, MI 48316

# Tree Removal Permits

## Overview

### When is a tree removal permit required?

A tree removal permit is required for any of the following activities:

- The removal, transplanting or destruction of any tree within a woodland area.
- Land clearing or removal of understory vegetation within a woodland area.
- The removal, transplanting or destruction of any regulated tree outside of a woodland area.

### Are there any activities that are exempt from permit requirements?

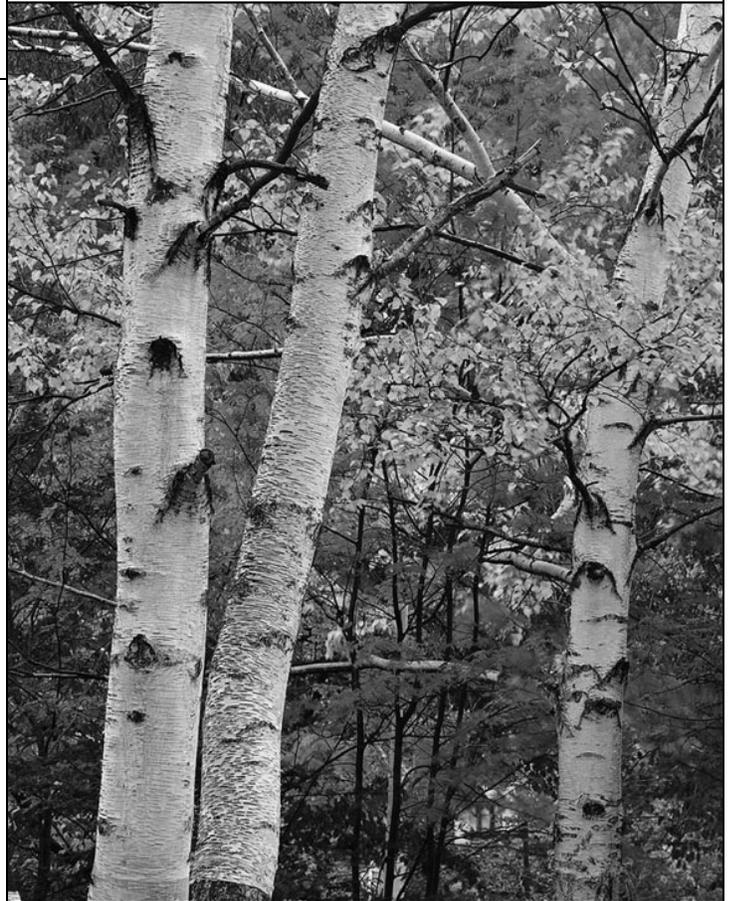
The following activities are allowed without a tree removal permit unless otherwise prohibited by law:

- Removal, transplanting or destruction of trees located on a site which is two (2) acres or less upon which there is an occupied residence.
- Removal, transplanting or destruction of trees located on a site which is greater than two (2) acres upon which there is an occupied residence to construct a fence, deck, pool, or accessory building, provided all other necessary permits have been issued.
- Removal of dead or damaged trees where the death or damage resulted from an accident or non-human cause.
- Trimming, maintenance, or care of trees in accordance with Township standards.
- Removal, transplanting or destruction of trees occurring during a farm operation.
- Removal, transplanting or destruction of trees occurring during the operation of a licensed commercial nursery or tree farm.
- Removal, transplanting or destruction of trees by a governmental agency, public utility or their agent to perform maintenance or repair of roads, public utilities, structures and facilities.

### What is a regulated tree?

The Shelby Township Tree and Woodland Preservation Ordinance regulates trees located within woodland areas and trees of a certain size that are located outside of woodland areas.

When located outside of woodland areas, regulated trees are those that are seven (7) inches or greater in diameter measured at 4.5 feet above the existing grade (A.E.G.).



Refer to the Shelby Township Tree and Woodland Preservation Ordinance for a complete description of exceptions to tree removal permit requirements. Special conditions may apply.

# Tree Removal Permits

## Single Family Lots — Administrative Approval

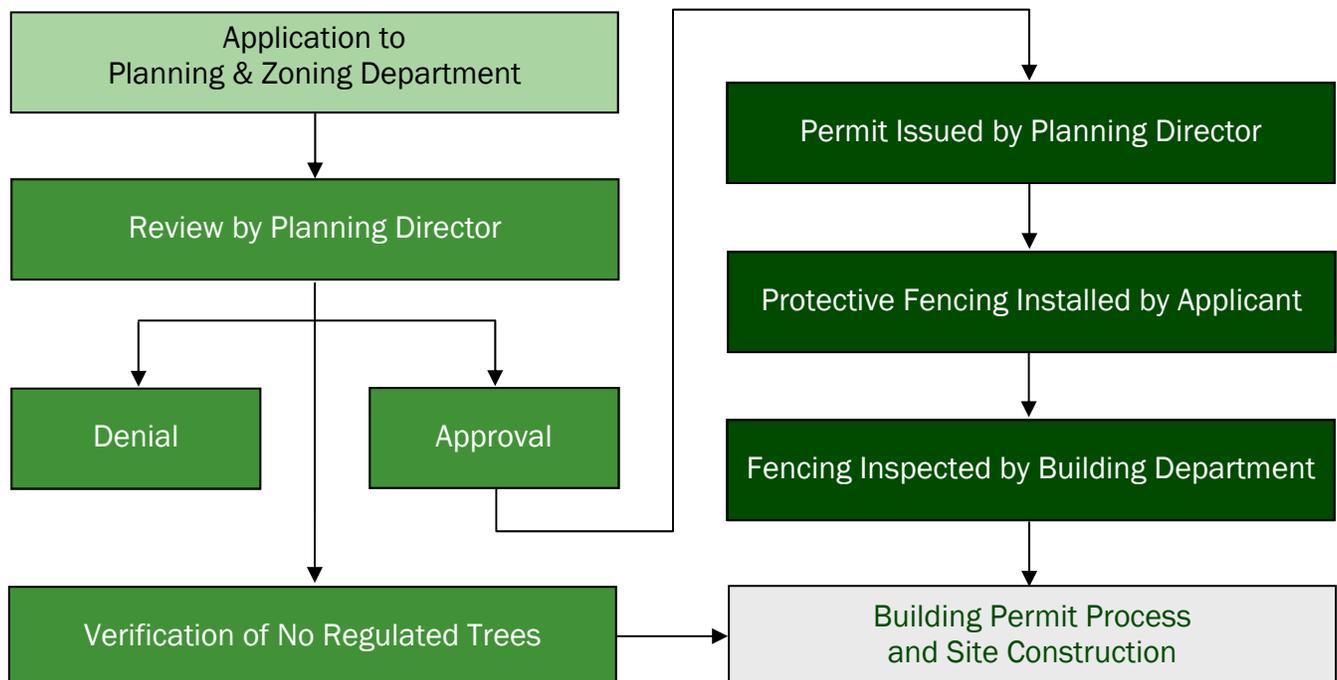
### What is required for a tree removal permit for a single family lot?

- One (1) completed Application Form with original signatures of the legal owner and applicant.
  - One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
  - One (1) original notarized Affidavit of Ownership and supporting ownership documentation.
  - Review fee.
- One of the following:
    - One (1) original notarized Affidavit of No Regulated Trees and two (2) copies of a plot plan.
    - OR -
    - Two (2) copies of a tree inventory or sketch plan illustrating the size, type and location of all trees, and identifying all trees proposed for removal or transplant.

### What is the process for tree removal permits for single family lots?

Applications for tree removal permits are required for all new residences on vacant single family lots and for any activity that requires a building permit on an occupied single family lot (see exemptions on page TR1). Subdivisions and other single family residential developments with previously approved tree removal permits and tree preservation plans must comply with such plans.

Tree removal permit applications for single family lots are reviewed and approved administratively by the Planning Director.



# Tree Removal Permits

## Development Projects — Township Board Approval

### What is the process for tree removal permits for development projects?

Tree permits are processed as part of the site plan and subdivision plat review process; a separate application is not required.

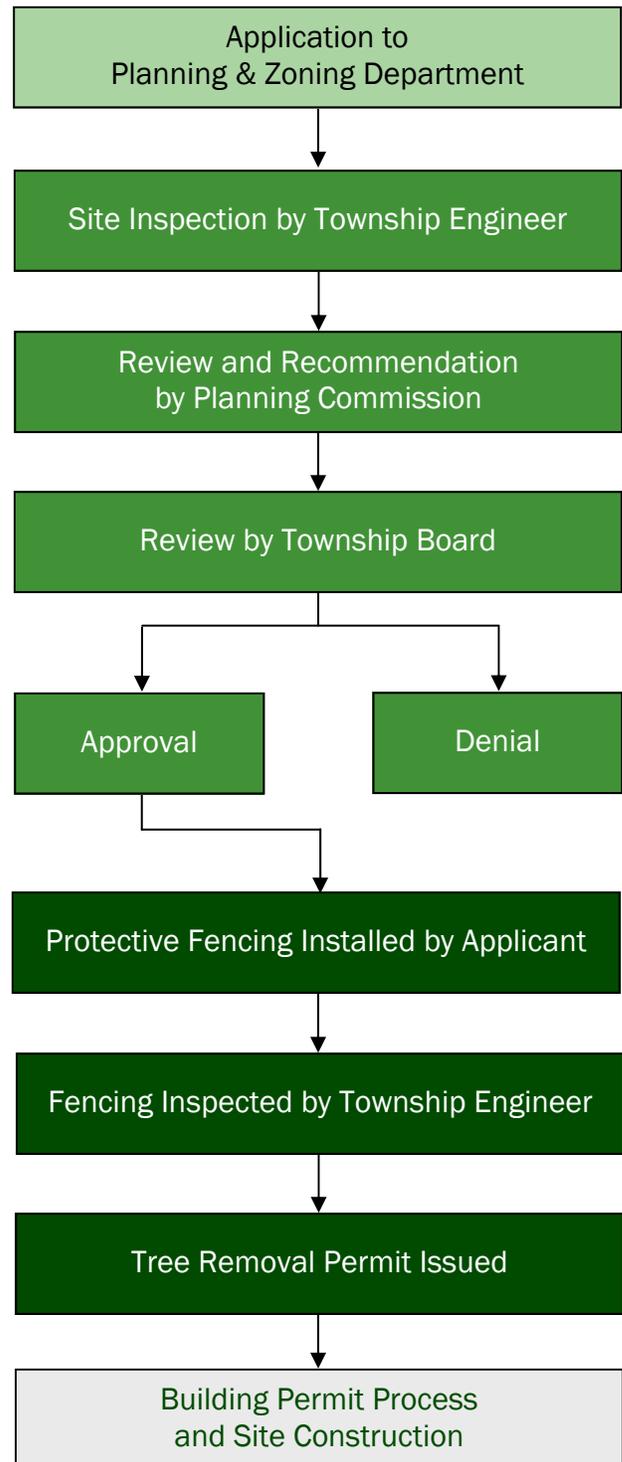
Tree permits are approved by the Township Board upon recommendation by the Planning Commission and after final site plan approval.

### What is required for a tree removal permit for a development project?

The following material must be submitted with a complete site plan or subdivision plat application package (refer to Site Plan and Subdivision Procedures for required number of copies):

- One of the following:
  - Original notarized Affidavit of No Regulated Trees.
  - OR -
  - Tree inventory containing all information required by the Shelby Township Tree and Woodland Preservation Ordinance.
  - OR -
  - Sketch plan and written request for waiver of tree inventory requirement.

Refer to the Shelby Township Tree and Woodland Preservation Ordinance for complete definitions, standards, and requirements regarding tree removal permits.



# Tree Removal Permits

## Common Questions

### What type of protective fencing is required?

Protective fencing shall consist of either 1) orange construction fencing, or 2) soil erosion fencing with the top of the wooden stakes painted orange to distinguish this fencing from soil erosion fencing.

Fencing must be maintained throughout the entire construction process. The installation of protective fencing will be inspected by either the Building Department or the Township Engineer.

### Can I seek a variance from the Tree and Woodland Preservation Ordinance?

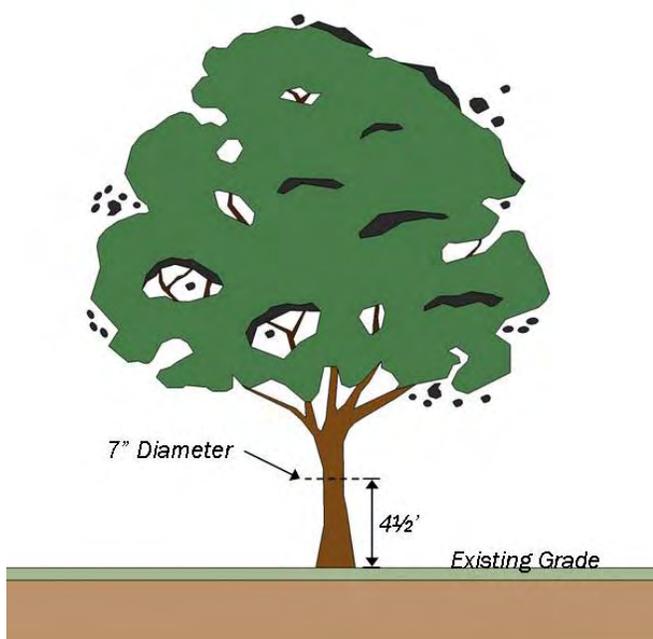
Yes. The Zoning Board of Appeals may grant variances from the provisions of the Ordinance when undue hardship may result from strict compliance.

Refer to the Tree and Woodland Preservation Ordinance for variance review standards and the Zoning Board of Appeals Procedures for application requirements.

### How do I know if a tree is regulated?

The Shelby Township Tree and Woodland Preservation Ordinance regulates trees located within woodland areas. **Refer to the Ordinance for complete definition of a woodland.**

When located outside of woodland areas, regulated trees are those that are seven (7) inches or greater in diameter measured at 4.5 feet above the existing grade (A.E.G.).



### What are the penalties for violation?

Violation of the Shelby Township Tree and Woodland Preservation Ordinance is a misdemeanor and punishable according to State Law.

### Is there an appeal process?

Any person aggrieved by the grant or denial of a tree removal permit may request an appeal of the decision to the Township Board at the next regularly scheduled Township Board meeting following the original action.

The Township Board may act on the appeal at the meeting where it is brought. The Board shall act on the appeal no later than the next regularly scheduled Township Board meeting following the appeal.

### Who do I contact if I have more questions?

Contact the Shelby Township Planning and Zoning Department at:

Phone: (586) 726-7243

Email: [planning@shelbytwp.org](mailto:planning@shelbytwp.org)

Address: 52700 Van Dyke

Shelby Township, MI 48316

# Rezoning Requests

## Overview

### What is a rezoning of property?

A rezoning is a change in the zoning classification of a specific property; it is an amendment to the Township's Official Zoning Map.

Authority to rezone property rests with the Township Board.

### Who can initiate a rezoning request?

A rezoning may be initiated by the Township Board, the Planning Commission, or an owner of real property within the Township.

### What is a conditional rezoning?

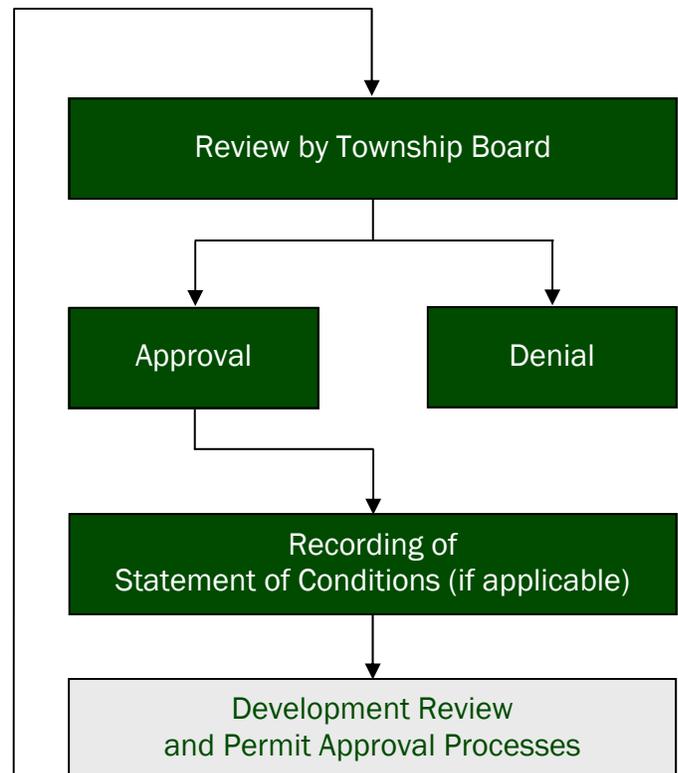
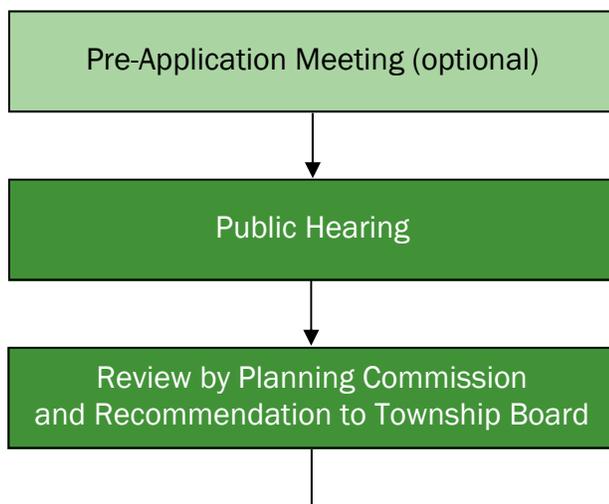
A conditional rezoning is a rezoning request with a voluntary offer of conditions attached. As part of a rezoning request, an owner of property may voluntarily offer in writing, and the Township may approve, certain use and development of land as a condition to the approval of a rezoning.

An offer of conditions submitted as part of a conditional rezoning request shall bear a reasonable and rational relationship to the property for which rezoning is requested. Conditional rezoning requests are subject to Section 16.06 of the Shelby Township Zoning Ordinance and all applicable sections of the Michigan Zoning Enabling Act (M.C.L. 125.3101 et seq.).

### What are the procedures for requesting a rezoning?

Upon receipt of a complete application for rezoning, the Planning Commission will hold a public hearing, review the request, and make a recommendation to the Township Board. The Township Board has final authority to approve or deny a request for rezoning.

Applicants should note that changes to rezoning proposals prior to Township Board approval may result in additional public hearing(s).



# Rezoning Requests

## Requirements for Rezoning

### What are the application requirements?

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- Two (2) original notarized copies of the Affidavit of Ownership and supporting ownership documentation.
- Fifteen (15) copies of a Letter of Intent outlining plans for development/use of the property (concept plans will not be accepted.).
- Fifteen (15) copies of a legal survey with parcel boundaries, dimensions, and existing buildings.
- Fifteen (15) copies of existing conditions information including generalized topography and natural features, adjacent development, and relationship of to parcels within ¼-mile of the site.
- Twelve (12) copies of the Rezoning Traffic Study, if applicable.
- Two (2) copies of a Location Map, with North point, indicating subject property and abutting parcels (maximum width: two newspaper columns).
- Offer of conditions, if applicable.
- Review fee.

### What is required for a conditional rezoning request?

Upon approval of a conditional rezoning request, the applicant shall submit a formal written Statement of Conditions that shall:

- Be in a form recordable with the Macomb County Register of Deeds.
- Contain a legal description of the land.
- Acknowledge that the use and development of the land shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by the Statement of Conditions.
- Acknowledge that the Statement of Conditions runs with the land and is binding upon successor owners.
- Incorporate by attachment any diagrams, plans, or documents submitted or approved by the owner that are necessary to illustrate implementation of the Statement of Conditions.
- Acknowledge that failure to comply with any conditions shall constitute a violation of the Zoning Ordinance.
- Contain the notarized signatures of all owners and a statement attesting to their voluntary offer of and consent to the Statement of Conditions.

## Common Questions

### Do I need to attend any meetings?

You will be notified of all meetings with your rezoning request on the agenda. It is strongly recommended that you have representation at all meetings at which your application will be discussed.

The Planning Commission and Township Board may take action on a request whether the applicant is in attendance or not; however, action may be postponed if the applicant is not available for questions.

### Who do I contact if I have more questions?

Contact the Shelby Township Planning and Zoning Department at:

Phone: (586) 726-7243

Email: [planning@shelbytwp.org](mailto:planning@shelbytwp.org)

Address: 52700 Van Dyke

Shelby Township, MI 48316

# Zoning Board of Appeals

## Overview

### What is the Zoning Board of Appeals?

The Zoning Board of Appeals (ZBA) is a quasi-judicial body appointed by the Township Board.

The ZBA is authorized to hear and decide matters as required by the Michigan Zoning Enabling Act and the Shelby Township Zoning Ordinance.

### What are the powers of the Zoning Board of Appeals?

The Zoning Board of Appeals has the following powers:

- Grant variances from the provisions of the Zoning Ordinance.
- Hear and decide appeals of any order, decision, determination, or requirement made by the Planning Commission or any other body or official charged with administration or enforcement of the Zoning Ordinance.
- Interpret the Zoning Ordinance and Zoning Map.
- Permit phasing of required site improvements (after recommendation by the Planning Commission).
- Permit major temporary uses and structures (refer to Temporary Uses Procedures).

### What are the procedures for submitting an application to the ZBA?

Procedures for the ZBA vary depending upon the type of request.

Refer to the appropriate application requirements on the following pages for appeals, variances, and interpretations.

Refer to Temporary Use Procedures for requirements and procedures for temporary uses and structures.



Variances are the most common requests brought before the Zoning Board of Appeals.

# Zoning Board of Appeals

## Variations

### How do I request a variance?

The following must be submitted for consideration:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- Seven (7) copies of a Letter of Intent clearly explaining the variance request and conformance with the review standards below.
- Seven (7) copies of a sketch plan, drawn to scale, illustrating the elements of the variance request, property boundaries and dimensions, existing and proposed structures, existing and proposed streets, and any other pertinent information.
- Review fee.

### What are the standards for ZBA review?

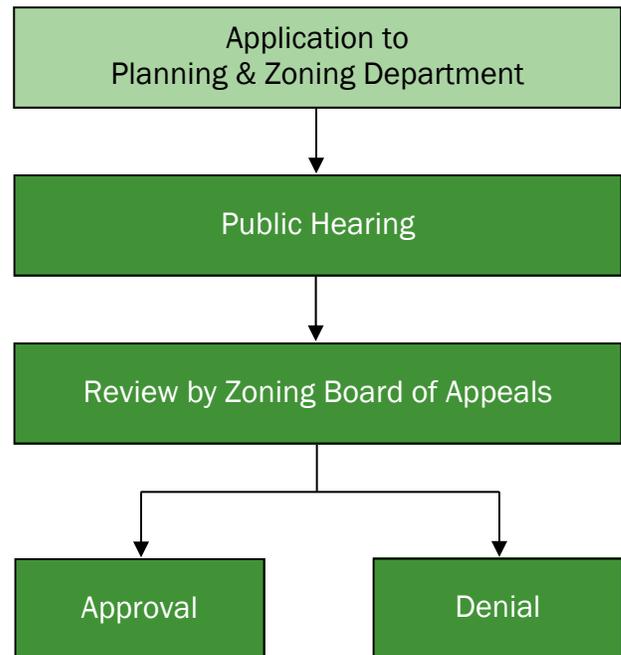
The ZBA will consider the following factors in reviewing a variance request:

- The condition was not created by the applicant or previous owner of the property.
- The property has unique physical features or other unique characteristics.
- The property cannot be reasonably used within the zoning district without the variance.
- Strict application of the Ordinance would be unreasonably burdensome on the applicant.
- The variance would not cause a substantial injustice to nearby properties nor public safety concerns.
- The variance would not bestow a special right or privilege upon the applicant.
- A lesser variance would not give substantial relief.
- The request is not primarily related to a personal or economic hardship, but rather to a unique physical feature of the property.

### What is the variance process?

Since a variance is the result of a condition unique to a particular property or structure and not the result of an administrative action, a "denial" is not a required precedent to an application.

Projects that require site plan review must first be considered by the Planning Commission before an application is submitted to the Zoning Board of Appeals.



Variations may not be granted for any approved special land use or Planned Unit Development.

A concurring vote of the majority of the membership of the Zoning Board of Appeals is necessary to grant a variance.

# Zoning Board of Appeals

## Interpretations and Appeals

### How do I request an interpretation of the Zoning Ordinance or Zoning Map?

The following must be submitted for consideration:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- Seven (7) copies of a Letter of Intent clearly explaining the request for interpretation.
- Seven (7) copies of a sketch plan of the site, if applicable, illustrating the property boundaries and dimensions, existing and proposed structures, existing and proposed streets, and any other pertinent information.
- Review fee.

### How do I initiate an appeal to the ZBA?

The following must be submitted for consideration:

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- Seven (7) copies of a Letter of Intent clearly explaining the action being appealed and the basis for the appeal.
- Seven (7) copies of a sketch plan of the site, if applicable, illustrating the property boundaries and dimensions, existing and proposed structures, existing and proposed streets, and any other pertinent information.
- Review fee.

### What are the possible outcomes of my appeal?

After a public hearing and review, the Zoning Board of Appeals may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination being appealed.

In making its decision, the ZBA has the authority to assume all powers and duties of the body or official from whom the appeal was taken.

A concurring vote of the majority of the membership of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination being appealed, or decide in favor of the applicant on any matter.

# Zoning Board of Appeals

## Common Questions

### Do I need to attend any meetings?

You will be notified of all meetings with your application on the agenda. It is strongly recommended that you have representation at all meetings at which your request will be discussed.

Action may be taken by the Zoning Board of Appeals whether the applicant is in attendance or not; however, action may be postponed if the applicant is not available to answer questions.

### Can I appeal a decision of the Zoning Board of Appeals?

All decisions of the Zoning Board of Appeals are final.

A party aggrieved by a decision may appeal to the circuit court in accordance with the procedures established by State Law.

### Does action by the ZBA allow me to begin construction?

Zoning Board of Appeals action typically does not authorize construction. Following ZBA action, permits must be sought through appropriate Township departments and other agencies.

In the case of an appeal, the ZBA has the authority to assume all powers and duties of the body or official from whom the appeal was taken. In such cases, the ZBA may issue or direct the issuance of a permit.

### Who do I contact if I have more questions?

Contact the Shelby Township Planning and Zoning Department at:

Phone: (586) 726-7243

Email: [planning@shelbytwtp.org](mailto:planning@shelbytwtp.org)

Address: 52700 Van Dyke  
Shelby Township, MI 48316

# Temporary Uses

## Overview

### Who approves temporary uses?

Minor temporary uses and buildings may be approved by the Planning Director. All other temporary uses are approved by the Zoning Board of Appeals (ZBA).

At the discretion of the Planning Director, an application for a minor temporary use may be referred to the Zoning Board of Appeals for review and approval.

### What is the difference between minor and major temporary uses?

Minor temporary uses include minor buildings and uses of a temporary nature. Such uses may include seasonal sales; tent sales; holiday sales; on-site sales offices for new developments; on-site events of places of worship, schools, or nonprofit groups; and the like.

Uses that are not determined to be minor are classified as major temporary uses.

### What do I need to know about applying for and conducting a temporary use?

- Applications for temporary use permits must clearly demonstrate that there will be no adverse impacts on adjoining properties and residences from the temporary use or building.
- The erection, construction, completion, use and maintenance of any temporary structure shall at all times be in full compliance with all state statutes, public health regulations and Township ordinances.
- All setback, land coverage, lighting, off-street parking and other requirements for the temporary use shall be established and made at the discretion of the approving body.
- The approval of a temporary use shall in no way constitute a change in the basic uses permitted in the zoning district or on the subject property.



# Temporary Uses

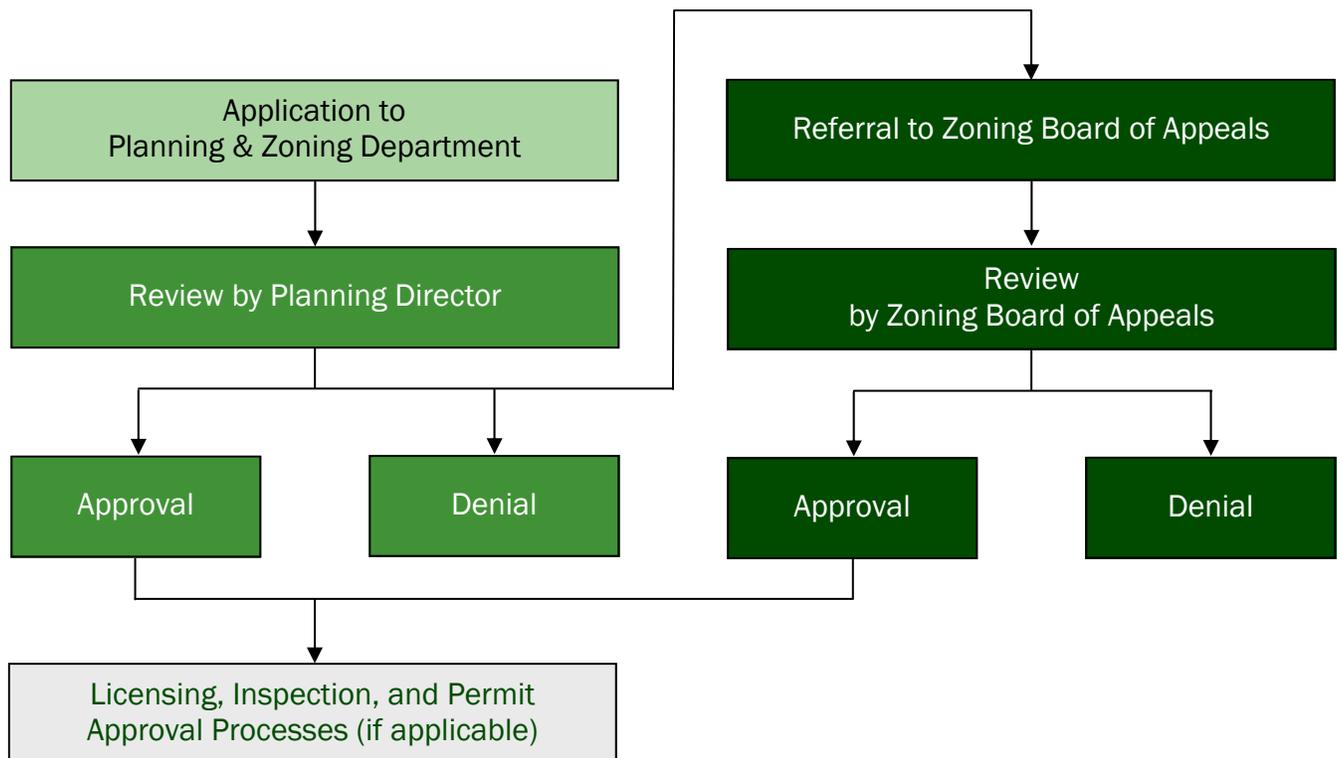
## Minor Temporary Uses

### What are the application requirements for a minor temporary use?

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- If the property is not owned by the applicant, one (1) letter signed by the legal property owner authorizing the applicant to use the property for the specified temporary use for the specified time period.*
- One (1) sketch plan, drawn to scale, illustrating the proposed temporary use or building on the property.
- Written description of the nature of the temporary use or building and the proposed time period to be covered by the permit.
- Statement indicating that the temporary use or building will be removed immediately upon expiration of the temporary use permit.
- Certificate of Insurance in the amount of \$1,000,000 naming Shelby Township as an insured party.
- Review fee.

### What are the procedures for approval of a minor temporary use?

Upon receipt of a complete application, the Planning Director will review the request and either approve it, deny it, or refer it to the Zoning Board of Appeals for review and final approval.



# Temporary Uses

## Major Temporary Uses

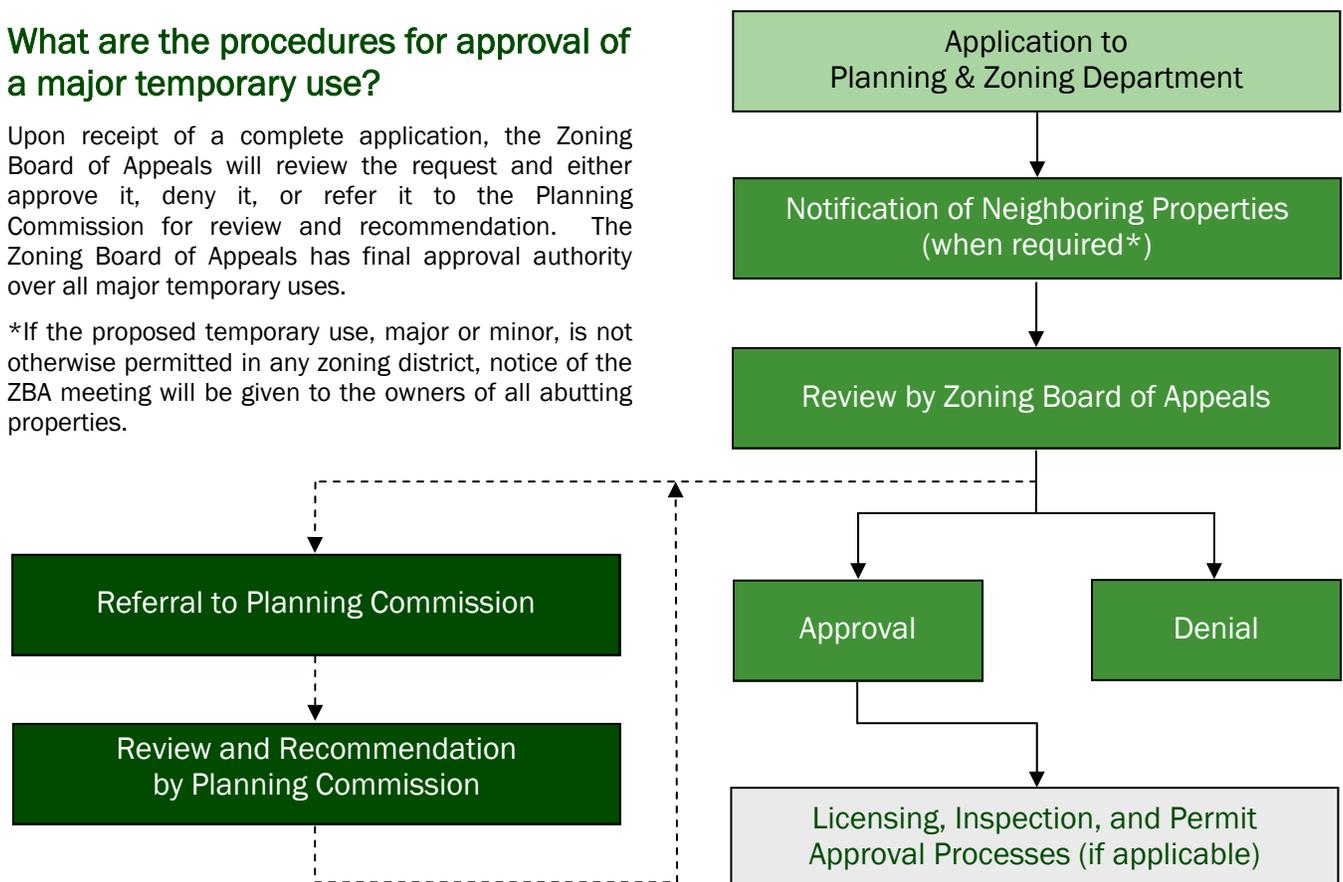
### What are the application requirements for a major temporary use?

- One (1) completed Application Form with original signatures of the legal owner and applicant.
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- If the property is not owned by the applicant*, seven (7) copies of a letter signed by the legal property owner authorizing the applicant to use the property for the temporary use for the specified time period.
- Seven (7) copies of a sketch plan, drawn to scale, illustrating the proposed temporary use or building on the property.
- Seven (7) copies of a written description of the nature of the temporary use or building and the proposed time period to be covered by the permit.
- Bond, in an amount to be determined by the ZBA, to ensure removal immediately upon expiration of the temporary use permit.
- Review fee.

### What are the procedures for approval of a major temporary use?

Upon receipt of a complete application, the Zoning Board of Appeals will review the request and either approve it, deny it, or refer it to the Planning Commission for review and recommendation. The Zoning Board of Appeals has final approval authority over all major temporary uses.

\*If the proposed temporary use, major or minor, is not otherwise permitted in any zoning district, notice of the ZBA meeting will be given to the owners of all abutting properties.



# Temporary Uses

## Common Questions

### Do I need to attend any meetings?

Minor temporary uses may not require any meetings.

If your minor temporary use application is referred to the Zoning Board of Appeals for review and approval, or if you are requesting approval of a major temporary use, you will be notified of all meetings with your request on the agenda. It is strongly recommended that you have representation at all meetings at which your request will be discussed.

The Zoning Board of Appeals may take action on a request whether you are in attendance or not; however, action may be postponed if you are not available for questions.

### Does approval allow me to commence my temporary use?

Final approval may not necessarily authorize construction or commencement of the use.

Applicants should note that some temporary uses may require a vendor's license through the Shelby Township Clerk's Office.

In some instances, inspections may be required by the Building Department and Fire Department. A building permit may also be required.

### Can a temporary use permit be revoked?

Yes. A temporary use permit may be revoked for any temporary structure or use for any violation of the terms of the approval.

### How long is approval valid?

The approving body shall specify the time period covered by the approval.

The Planning Director and Zoning Board of Appeals may permit minor and major temporary uses for periods up to six (6) months. Extensions may be granted for up to six (6) months at a time.

In no instance shall any temporary structure be permitted to exist for more than two (2) years.

Major temporary uses that are not otherwise permitted in any zoning district may be permitted by the Zoning Board of Appeals for periods up to twelve (12) months. Extensions may be granted for up to twelve (12) months at a time.

### Who do I contact if I have more questions?

Contact the Shelby Township Planning and Zoning Department at:

Phone: (586) 726-7243

Email: [planning@shelbytwp.org](mailto:planning@shelbytwp.org)

Address: 52700 Van Dyke

Shelby Township, MI 48316

# Forms

*The following forms are the official Application Forms for the Charter Township of Shelby. The forms can be completed using Adobe Acrobat Reader, however, they cannot be submitted electronically. Hard copies of all required Application Forms must be submitted to the Planning and Zoning Department.*

**Planning & Zoning Department**  
52700 Van Dyke, Shelby Township, MI 48316  
Phone (586) 726-7243  
Fax (586) 726-7227  
planning@shelbytwp.org  
www.shelbytwp.org



**APPLICATION FORM  
PLANNING COMMISSION REVIEW**

**Office Use**

Application No. \_\_\_\_\_ Review Fee \_\_\_\_\_ Engineering Fee \_\_\_\_\_ Tree Permit Fee \_\_\_\_\_  
Date Received \_\_\_\_\_ Receipt No. \_\_\_\_\_ Receipt No. \_\_\_\_\_ Receipt No. \_\_\_\_\_

**I. TYPE OF REVIEW**

SITE PLAN     SPECIAL LAND USE     TREE PERMIT     CLASS A NONCONFORMING USE

**II. APPLICANT** (*A completed Applicant Information Form must accompany this application.*)

APPLICANT'S NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_

**III. PROPERTY INFORMATION**

PROPERTY ADDRESS \_\_\_\_\_

GENERAL LOCATION \_\_\_\_\_

LEGAL DESCRIPTION     ATTACHED     ON SITE PLAN

PROPERTY IDENTIFICATION NO. \_\_\_\_\_

PROPERTY SIZE (acres) \_\_\_\_\_ FRONTAGE (feet) \_\_\_\_\_

EXISTING ZONING \_\_\_\_\_ ZONING OF SURROUNDING PROPERTY \_\_\_\_\_

PROPOSED USE \_\_\_\_\_

SIZE OF PROPOSED STRUCTURE(S) (square feet) \_\_\_\_\_

**IV. SITE PLAN INFORMATION**

SITE PLAN PREPARED BY \_\_\_\_\_

CONTACT NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_

**V. SIGNATURES** (*This application form must be signed by both the applicant and legal owner of the property.*)

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
SIGNATURE OF LEGAL OWNER

\_\_\_\_\_  
(Print/type name of applicant)

\_\_\_\_\_  
(Print/type name of legal owner)



APPLICATION FORM
CONDOMINIUM SUBDIVISION REVIEW

Office Use

Application No. Review Fee Engineering Fee Tree Permit Fee
Date Received Receipt No. Receipt No. Receipt No.

I. TYPE OF REVIEW

PRELIMINARY REVIEW FINAL REVIEW TREE PERMIT

II. APPLICANT (A completed Applicant Information Form must accompany this application.)

APPLICANT'S NAME
ADDRESS
CITY STATE ZIP
PHONE FAX
INTEREST IN PROPERTY

III. PROPERTY INFORMATION

PROPERTY ADDRESS
GENERAL LOCATION
LEGAL DESCRIPTION ATTACHED ON CONDOMINIUM PLAN
PROPERTY IDENTIFICATION NO.
PROPERTY SIZE (acres) FRONTAGE (feet)
EXISTING ZONING ZONING OF SURROUNDING PROPERTY
NAME OF PROPOSED DEVELOPMENT
NUMBER AND TYPE OF PROPOSED UNITS

IV. CONDOMINIUM PLAN INFORMATION

DRAWINGS PREPARED BY
CONTACT NAME
ADDRESS
CITY STATE ZIP
PHONE FAX

V. SIGNATURES (This application form must be signed by both the applicant and legal owner of the property.)

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

SIGNATURE OF APPLICANT

SIGNATURE OF LEGAL OWNER

(Print/type name of applicant)

(Print/type name of legal owner)



APPLICATION FORM
SUBDIVISION REVIEW

Office Use

Application No. Review Fee Engineering Fee Tree Permit Fee
Date Received Receipt No. Receipt No. Receipt No.

I. TYPE OF REVIEW

TENTATIVE PRELIMINARY PLAT FINAL PRELIMINARY PLAT FINAL PLAT

II. APPLICANT (A completed Applicant Information Form must accompany this application.)

APPLICANT'S NAME
ADDRESS
CITY STATE ZIP
PHONE FAX
INTEREST IN PROPERTY

III. PROPERTY INFORMATION

PROPERTY ADDRESS
GENERAL LOCATION
LEGAL DESCRIPTION ATTACHED ON PLAT
PROPERTY IDENTIFICATION NO.
PROPERTY SIZE (acres) FRONTAGE (feet)
EXISTING ZONING ZONING OF SURROUNDING PROPERTY
NAME OF PROPOSED SUBDIVISION
NUMBER OF PROPOSED LOTS

IV. PLAT INFORMATION

DRAWINGS PREPARED BY
CONTACT NAME
ADDRESS
CITY STATE ZIP
PHONE FAX

V. SIGNATURES (This application form must be signed by both the applicant and legal owner of the property.)

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

SIGNATURE OF APPLICANT

SIGNATURE OF LEGAL OWNER

(Print/type name of applicant)

(Print/type name of legal owner)



**APPLICATION FORM  
TREE REMOVAL PERMIT**

*Administrative Review*

<b>Office Use</b>		Canopy: 25%   35% Requirements Met? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Application No. _____	Date Received _____	Replacement Trees Required _____	
Review Fee _____	Receipt No. _____	Approved by _____ Date _____	

**I. TYPE OF REQUEST**

- NO REGULATED TREES (Affidavit of No Regulated Trees must be attached.)
- REGULATED TREES
  - TREE INVENTORY ATTACHED
  - SKETCH PLAN ATTACHED AND WAIVER OF TREE INVENTORY REQUESTED

**II. APPLICANT** (*A completed Applicant Information Form must accompany this application.*)

APPLICANT'S NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_

INTEREST IN PROPERTY \_\_\_\_\_

**III. PROPERTY INFORMATION**

PROPERTY ADDRESS \_\_\_\_\_

SUBDIVISION NAME \_\_\_\_\_ LOT # \_\_\_\_\_

PROPERTY IDENTIFICATION NO. \_\_\_\_\_

PROPERTY SIZE (acres) \_\_\_\_\_ ZONING \_\_\_\_\_

EXISTING USE \_\_\_\_\_ PROPOSED USE \_\_\_\_\_

SIZE OF PROPOSED STRUCTURE(S) (square feet) \_\_\_\_\_

**IV. OWNERSHIP INFORMATION**

LEGAL OWNER \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_

**V. SIGNATURES** (*This application form must be signed by both the applicant and legal owner of the property.*)

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
SIGNATURE OF LEGAL OWNER

\_\_\_\_\_  
(Print/type name of applicant)

\_\_\_\_\_  
(Print/type name of legal owner)



AFFIDAVIT OF NO REGULATED TREES

STATE OF MICHIGAN
COUNTY OF

Applicant: \_\_\_\_\_

Site Address: \_\_\_\_\_

Site Lot No.: \_\_\_\_\_

The undersigned being duly sworn, deposes and says:

- 1. I am the Applicant on the attached Application for a Tree Removal Permit submitted pursuant to the provisions of the Tree and Woodland Preservation Ordinance of the Charter Township of Shelby and have personal knowledge of the fact set forth in the aforesaid Application and this Affidavit.
2. No tree seven (7) inches or greater in diameter when measured at ground level exist on the site.
3. I understand receipt of the aforesaid Application by the Township grants my permission and consent for the Charter Township of Shelby to conduct on-site inspections and investigations.
4. I understand that if one (1) or more trees are found to exist on the site contrary to what is stated in this Affidavit, a tree location survey will be required before my Application will be considered.

Further deponent sayeth not.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
(Print/type name of Applicant)

Subscribed and sworn to before me on
the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.
\_\_\_\_\_, Notary Public
\_\_\_\_\_County, Michigan
My commission expires: \_\_\_\_\_



**APPLICATION FORM  
REZONING REQUEST**

**Office Use**  
Application No. \_\_\_\_\_ Date Received \_\_\_\_\_ Review Fee \_\_\_\_\_ Receipt No. \_\_\_\_\_

**I. APPLICANT** (*A completed Applicant Information Form must accompany this application.*)

APPLICANT'S NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ FAX \_\_\_\_\_  
INTEREST IN PROPERTY \_\_\_\_\_

**II. PROPERTY INFORMATION**

PROPERTY ADDRESS \_\_\_\_\_  
GENERAL LOCATION \_\_\_\_\_  
LEGAL DESCRIPTION  ATTACHED  ON SURVEY  
PROPERTY IDENTIFICATION NO. \_\_\_\_\_  
PROPERTY SIZE (acres) \_\_\_\_\_ FRONTAGE (feet) \_\_\_\_\_  
EXISTING ZONING \_\_\_\_\_ PROPOSED ZONING \_\_\_\_\_  
CURRENT USE \_\_\_\_\_  
PROPOSED USE \_\_\_\_\_

**III. OWNERSHIP INFORMATION** (*Attach additional sheets if necessary.*)

LEGAL OWNER \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ FAX \_\_\_\_\_

**IV. SIGNATURES** (*This application form must be signed by both the applicant and legal owner of the property.*)

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
SIGNATURE OF LEGAL OWNER

\_\_\_\_\_  
(Print/type name of applicant)

\_\_\_\_\_  
(Print/type name of legal owner)



**APPLICATION FORM  
ZONING BOARD OF APPEALS**

*Office Use*

Application No. \_\_\_\_\_ Date Received \_\_\_\_\_ Review Fee \_\_\_\_\_ Receipt No. \_\_\_\_\_

**I. TYPE OF REQUEST**

VARIANCE     INTERPRETATION     ADMINISTRATIVE APPEAL     TEMPORARY USE

**II. APPLICANT** (*A completed Applicant Information Form must accompany this application.*)

APPLICANT'S NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_

**III. PROPERTY INFORMATION**

PROPERTY ADDRESS \_\_\_\_\_

GENERAL LOCATION \_\_\_\_\_

LEGAL DESCRIPTION     ATTACHED     ON SITE/SKETCH PLAN

PROPERTY IDENTIFICATION NO. \_\_\_\_\_

PROPERTY SIZE (acres) \_\_\_\_\_ FRONTAGE (feet) \_\_\_\_\_

EXISTING ZONING \_\_\_\_\_ ZONING OF SURROUNDING PROPERTY \_\_\_\_\_

CURRENT USE \_\_\_\_\_

**IV. REQUEST DETAIL**

VARIANCE FROM ORDINANCE SECTION \_\_\_\_\_

INTERPRETATION OF ORDINANCE SECTION \_\_\_\_\_

APPEAL OF ACTION BY \_\_\_\_\_ DATE OF ACTION \_\_\_\_\_

PROPOSED TEMPORARY USE \_\_\_\_\_

**V. SIGNATURES** (*This application form must be signed by both the applicant and legal owner of the property.*)

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
SIGNATURE OF LEGAL OWNER

\_\_\_\_\_  
(Print/type name of applicant)

\_\_\_\_\_  
(Print/type name of legal owner)



**Planning & Zoning Department**  
52700 Van Dyke, Shelby Township, MI 48316  
Phone (586) 726-7243  
Fax (586) 726-7227  
planning@shelbytp.org  
www.shelbytp.org

**APPLICATION FORM  
MINOR TEMPORARY USE**

**Office Use**

Application No. \_\_\_\_\_ Date Received \_\_\_\_\_ Review Fee \_\_\_\_\_ Receipt No. \_\_\_\_\_

**I. APPLICANT** (*A completed Applicant Information Form must accompany this application.*)

APPLICANT'S NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_

**II. PROPERTY INFORMATION**

PROPERTY ADDRESS \_\_\_\_\_

GENERAL LOCATION \_\_\_\_\_

LEGAL DESCRIPTION  ATTACHED  ON SKETCH PLAN

PROPERTY IDENTIFICATION NO. \_\_\_\_\_

PROPERTY SIZE (acres) \_\_\_\_\_ FRONTAGE (feet) \_\_\_\_\_

EXISTING ZONING \_\_\_\_\_ ZONING OF SURROUNDING PROPERTY \_\_\_\_\_

CURRENT USE \_\_\_\_\_

PROPOSED TEMPORARY USE \_\_\_\_\_

PROPOSED TIME PERIOD FOR TEMPORARY USE \_\_\_\_\_

**III. OWNERSHIP INFORMATION**

LEGAL OWNER \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_

**IV. SIGNATURES** (*This application form must be signed by both the applicant and legal owner of the property.*)

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
SIGNATURE OF LEGAL OWNER

\_\_\_\_\_  
(Print/type name of applicant)

\_\_\_\_\_  
(Print/type name of legal owner)



**Planning & Zoning Department**  
52700 Van Dyke, Shelby Township, MI 48316  
Phone (586) 726-7243  
Fax (586) 726-7227  
planning@shelbytwp.org  
www.shelbytwp.org

## APPLICANT INFORMATION FORM

<b>Office Use</b>		Copy of driver's license attached?	
Application No. _____	Date Received _____	<input type="checkbox"/> Yes	<input type="checkbox"/> No

### I. TYPE OF APPLICATION *(The appropriate Application Form must accompany this form.)*

- SITE PLAN   
  SPECIAL LAND USE   
  TREE PERMIT   
  CLASS A NONCONFORMING USE  
 ZONING BOARD OF APPEALS   
  REZONING   
  MINOR TEMPORARY USE  
 CONDOMINIUM SUBDIVISION   
  SUBDIVISION   
  SIGN PERMIT

### II. APPLICANT INFORMATION

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_

DRIVER'S LICENSE NUMBER \_\_\_\_\_

*(A copy of both side of the applicant's driver's license must be attached. Fax copies will not be accepted.)*

### III. SIGNATURE

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
(Print/type name of applicant)



**AFFIDAVIT OF OWNERSHIP OF LAND**

STATE OF MICHIGAN  
COUNTY OF

I/We \_\_\_\_\_  
*Name(s)*

of \_\_\_\_\_  
*Address City State Zip Phone*

the \_\_\_\_\_ of \_\_\_\_\_  
*Title Name of Company*

being duly sworn, depose(s) and say(s) as follows:

- 1. The owner(s) of the property described on the attached  
 Warranty Deed    Land Contract    Other Document (specify)

is/are as follows: \_\_\_\_\_  
*Name Address*

\_\_\_\_\_  
*Name Address*

\_\_\_\_\_  
*Name Address*

This property is the subject of a \_\_\_\_\_  
*Type of application*

Application submitted to the Charter Township of Shelby.

2. I/We authorize \_\_\_\_\_  
*Name(s)*

the \_\_\_\_\_ of \_\_\_\_\_  
*Title(s) Name of Company*

of \_\_\_\_\_  
*Address City State Zip Phone*

to be my/our designated representative(s) in the processing of the application and to make representations and commitments on my.our behalf in connection with obtaining approval of my/our request.

\_\_\_\_\_  
Signature of property owner

\_\_\_\_\_  
Title of property owner (if applicable)

\_\_\_\_\_  
(Print/type name of property owner)

Subscribed and sworn to before me on  
the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
\_\_\_\_\_, Notary Public  
\_\_\_\_\_ County, Michigan

My commission expires: \_\_\_\_\_

# Sign Permit

## Overview

### Why regulate signs?

Shelby Township regulates signs to ensure that they contribute to the character of the community, are placed in proper locations, and are not detrimental to the public safety and welfare.

Shelby Township recognizes the legitimate needs of businesses to have signs for identification and informational purposes.

The standards of Section 5.05 of the Zoning Ordinance are intended to promote traffic safety for motorists and pedestrians, avoid conflicts between different types of land uses, prevent the blighting impact created by an excessive number of unregulated signs, and enhance the visual appearance of the Township.

### When is a temporary sign permitted?

Temporary signs may only be permitted for the following purposes:

- To advertise a businesses that lack a permanent sign.
- To advertise a change of use.
- To advertise a change in the basic services or products offered.

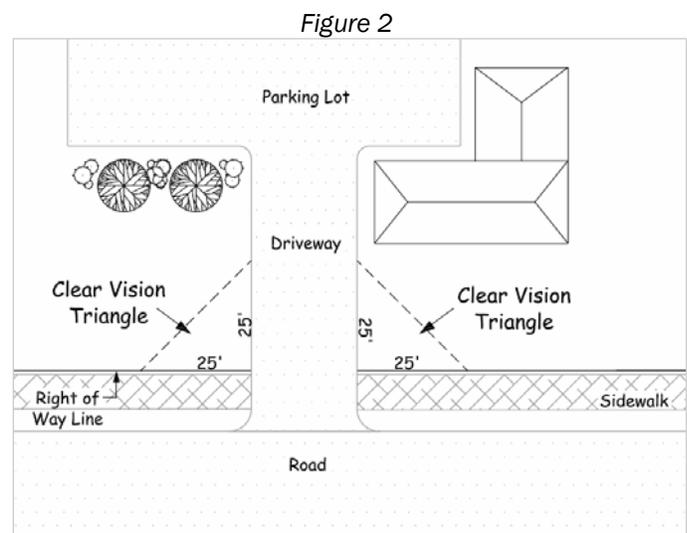
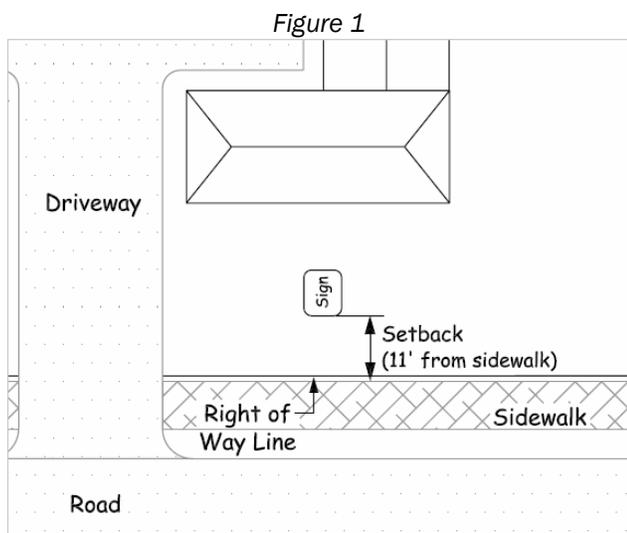
Applicants are encouraged to contact the Planning & Zoning Department prior to submission of a temporary sign permit application to determine whether the site qualifies for a temporary sign.

### How many signs can I have and where can I put them?

The number of signs, their size and placement are all regulated by the Shelby Township Zoning Ordinance. Sign requirements and standards differ by zoning district as well as the speed limit of the adjacent roadway.

Sign permit applications must demonstrate compliance with all applicable standards. Be sure that your application illustrates the proposed sign placement on the site and demonstrates compliance with sign setback requirements of Section 5.05 of the Zoning Ordinance. Required setbacks are measured from the centerline of the road right-of-way. Typically the required setback results in a minimum distance of 11 feet between the sidewalk and the sign (Figure 1).

Applications must also demonstrate maintenance of “clear vision triangles” (Figure 2). Signs and other visual obstructions are prohibited within required clear vision areas.



# Sign Permit

## Permanent Signs

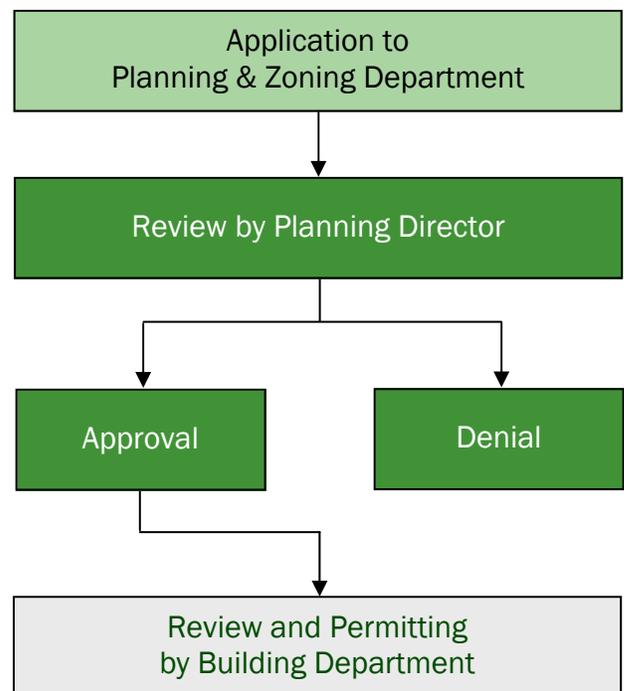
### What are the application requirements for permanent signs?

- One (1) completed Application Form with original signature of the business owner. (Note: Form should not be signed by the sign company or installer).
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- Two (2) copies of a sketch plan illustrating the proposed sign location; accurately dimensioned setbacks from property lines and right-of-way centerline; location of all existing buildings, roads, parking areas, signs, entrances, and exits on the site; and linear frontage of the unit occupied in a shopping center (if applicable).
- Two (2) copies of a drawing of the proposed sign including:
  - \_\_\_ Height above finished grade (ground signs only).
  - \_\_\_ Total building wall area upon which sign will be displayed (wall signs only).
  - \_\_\_ Sign style (box, cabinet, individual channel letters, etc.) and sign surface (material, color, dimensions, area).
  - \_\_\_ Method and color of illumination, if any.
  - \_\_\_ Lettering of sign, printed in the size and weight substantially approximating the style that will appear on the sign.
  - \_\_\_ Logos, emblems, and all other features.
- Applications for residential entrance signs must also include:
  - \_\_\_ Description of Applicant's and any other parties' property interest(s) in the site.
  - \_\_\_ Evidence of the right to construct the proposed sign on the site.
  - \_\_\_ Existing and proposed sign and landscaping easements on the site.
  - \_\_\_ Existing and proposed Residential Entrance Construction and Maintenance Agreement.
- Review fee.

### What are the procedures for approval of a permanent sign?

The Planning Director has sole authority to approve or deny a permanent sign application.

The Director may refer any application to the Planning Commission for their review and approval.



Review fees for permanent signs are due at the time the application is submitted.

# Sign Permit

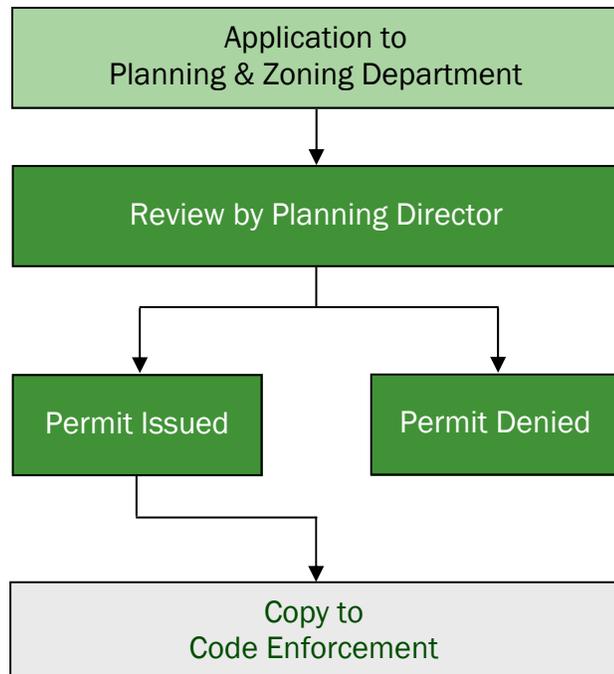
## Temporary Signs

### What are the application requirements for temporary signs?

- One (1) completed Application Form with original signature of the business owner. (Note: Form should not be signed by the sign company or installer).
- One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant's driver's license attached (fax copies will not be accepted).
- Two (2) copies of a sketch plan illustrating the proposed sign location; accurately dimensioned setbacks from property lines and right-of-way centerline; location of all existing buildings, roads, parking areas, signs, entrances, and exits on the site.
- Two (2) copies of a drawing of the proposed sign including:
  - \_\_ Height above finished grade (ground signs only).
  - \_\_ Total building wall area upon which sign will be displayed (wall signs only).
  - \_\_ Sign style (box, cabinet, individual channel letters, etc.) and sign surface (material, color, dimensions, area).
  - \_\_ Method and color of illumination, if any.
  - \_\_ Lettering of sign, printed in the size and weight substantially approximating the style that will appear on the sign.
  - \_\_ Logos, emblems, and all other features.

### What are the procedures for approval of a temporary sign?

The Planning Director has sole authority to approve or deny a temporary sign application.



Review fees for temporary sign applications are due at the time of approval.

# Sign Permit

## Common Questions

### Do I need a building permit?

A building permit is required for all permanent signs. A building permit must be obtained prior to sign installation.

Building permits are not required for temporary signs.

### Are time and temperature signs allowed?

Time and temperature devices may be approved in all commercial and industrial zoning districts provided that they are designed as integrated features of the approved wall or ground sign.

### Are address signs required?

All businesses shall prominently display their address on the permitted ground sign. Street addresses shall be large enough to be read from the street. All numbers shall contrast with the surface they are applied to and shall be mounted high enough to be visible from the street. Addresses shall not be obstructed from view by site landscaping. Shopping centers with individual tenants shall provide the address range for the tenants.

Addresses shall not be included in the maximum sign area calculations.

### Who do I contact if I have more questions?

Contact the Shelby Township Planning and Zoning Department at:

Phone: (586) 726-7243

Email: [planning@shelbytp.org](mailto:planning@shelbytp.org)

Address: 52700 Van Dyke

Shelby Township, MI 48316

# Forms

*The following forms are the official Application Forms for the Charter Township of Shelby. The forms can be completed using Adobe Acrobat Reader, however, they cannot be submitted electronically. Hard copies of all required Application Forms must be submitted to the Planning and Zoning Department.*

**Planning & Zoning Department**  
52700 Van Dyke, Shelby Township, MI 48316  
Phone (586) 726-7243  
Fax (586) 726-7227  
planning@shelbytwp.org  
www.shelbytwp.org



**APPLICATION FORM  
SIGN PERMIT**

*Office Use*  
Application No. \_\_\_\_\_ Date Received \_\_\_\_\_ Review Fee \_\_\_\_\_ Receipt No. \_\_\_\_\_

**I. TYPE OF REQUEST**

- PERMANENT SIGN
  - WALL SIGN
  - GROUND / MONUMENT SIGN
  - TENANT PANEL
  - RESURFACING PYLON / FREESTANDING SIGN
  - RESIDENTIAL ENTRANCE SIGN
  - OTHER (specify) \_\_\_\_\_
- TEMPORARY SIGN
  - A-FRAME SIGN
  - BANNER
  - REAL ESTATE SIGN
  - OTHER (specify) \_\_\_\_\_

**II. APPLICANT** (*A completed Applicant Information Form must accompany this application.*)

APPLICANT'S NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
PHONE \_\_\_\_\_ FAX \_\_\_\_\_

**III. PROPERTY INFORMATION**

BUSINESS / DEVELOPMENT NAME \_\_\_\_\_  
BUSINESS / DEVELOPMENT ADDRESS \_\_\_\_\_  
BUSINESS / DEVELOPMENT TYPE  RESIDENTIAL  COMMERCIAL  OFFICE  
 INDUSTRIAL  OTHER (specify) \_\_\_\_\_  
SHOPPING CENTER NAME (if applicable) \_\_\_\_\_

**IV. REQUEST DETAIL**

PROPOSED SIGN AREA (square feet) \_\_\_\_\_ HEIGHT (feet) \_\_\_\_\_

**V. SIGN PLAN INFORMATION**

DRAWINGS PREPARED BY \_\_\_\_\_  
CONTACT NAME \_\_\_\_\_ PHONE \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

**VI. SIGNATURE**

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
(Print/type name of applicant)



**Planning & Zoning Department**  
52700 Van Dyke, Shelby Township, MI 48316  
Phone (586) 726-7243  
Fax (586) 726-7227  
planning@shelbytwp.org  
www.shelbytwp.org

## APPLICANT INFORMATION FORM

<b>Office Use</b>		Copy of driver's license attached?	
Application No. _____	Date Received _____	<input type="checkbox"/> Yes	<input type="checkbox"/> No

### I. TYPE OF APPLICATION *(The appropriate Application Form must accompany this form.)*

- SITE PLAN   
 SPECIAL LAND USE   
 TREE PERMIT   
 CLASS A NONCONFORMING USE  
 ZONING BOARD OF APPEALS   
 REZONING   
 MINOR TEMPORARY USE  
 CONDOMINIUM SUBDIVISION   
 SUBDIVISION   
 SIGN PERMIT

### II. APPLICANT INFORMATION

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE \_\_\_\_\_ FAX \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_

DRIVER'S LICENSE NUMBER \_\_\_\_\_

*(A copy of both side of the applicant's driver's license must be attached. Fax copies will not be accepted.)*

### III. SIGNATURE

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
(Print/type name of applicant)