

ZONING RESOLUTION
SUGAR CREEK TOWNSHIP
ALLEN COUNTY, OHIO

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SECTION I

RESOLUTION AND GENERAL PROVISIONS

A RESOLUTION

This resolution provides for the Zoning of the Unincorporated Area of Sugar Creek Township, Allen County, Ohio, by regulating the location, size, height, and use of buildings and structures, the area and dimensions of lots and yards, and the use of lands, all in accordance with a comprehensive plan as authorized and provided by Sections 519.01 to 519.99 of the Revised Code of Ohio, or as may hereafter be amended.

1.01 TITLE

This Resolution shall be known and may be cited as the "Zoning Resolution of Sugar Creek Township, Allen County, Ohio."

1.02 GENERAL PURPOSE

For the purpose of promoting and protecting the public health, safety, and general welfare; to regulate the area and dimensions of land, yards, and open spaces so as to secure adequate light, air and safety from fire and other dangers; to protect the physical environment of the Township from contamination; to protect the character of existing agriculture, residential, business and manufacturing areas and to assure their orderly development; and, to provide for the orderly growth and development of lands, the Board of Trustees finds it necessary, advisable, and of great benefit to the residents of the Township to provide for the division of the unincorporated area of the Township into districts or zones.

1.03 APPLICABILITY

Subject to the limitations of Section 519.211 of the Ohio Revised Code, the regulations set forth in this Zoning Resolution shall be applicable to all buildings, structures, and uses of land within Sugar Creek Township, Allen County, Ohio, except that these regulations shall not be applicable to buildings, structures, and lands used exclusively for agricultural purposes.

1.04 MINIMUM STANDARDS

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Wherever this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of this Resolution shall govern.

SECTION I – RESOLUTION & GENERAL PROVISIONS (Continued)

1.05 ZONING DISTRICT MAPS

All land in the unincorporated area of Sugar Creek Township, Allen County, Ohio, within the scope of this Zoning Resolution, as is shown on the zoning district maps of Sugar Creek Township, is hereby adopted and declared to be a part of this Zoning Resolution. The zoning district maps, as amended from time to time, shall be the final authority for the current zoning district status of land under the jurisdiction of this Zoning Resolution.

1.06 SEVERABILITY

The invalidation of any clause, sentence, paragraph or section of this Resolution by a court of competent jurisdiction shall not affect the validity of the remainder of the Resolution either in whole or in part.

SECTION II

DEFINITIONS

2.01 INTERPRETATION

For the purposes of this Zoning Resolution, certain terms and words are defined as found in this Section. Words and terms not specifically defined shall carry their customarily understood meanings.

2.02 DEFINITIONS

Accessory; Accessory Use means a use that is subordinate, secondary, incidental to, and customary in connection with the principal building, structure, or use and located on the same lot as the principal building, structure, or use.

Accessory Building or Structure means a building or structure occupied by an accessory use.

Administrative and Business Office means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

Agriculture means the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Alley means any dedicated thoroughfare other than a street, road or highway.

Apartment means a suite of rooms or a room in a multi-family building arranged and intended as a place of residence of a single individual or a group of individuals living together as a single housekeeping unit.

Automobile or Motor Vehicle Repair means the general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

Automotive, Mobile Home, Travel Trailer and Farm Implement Sales means the sale or rental of new and used motor vehicles, mobile homes, travel trailers or farm implements, but not including repair work except incidental warranty repair of same to be displayed and sold on the premises.

SECTION II – DEFINITIONS (Continued)

Automotive, Wrecking means the dismantling or wrecking of used motor vehicles, mobile homes, trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Bar means a business establishment whose primary business is the sale of alcoholic beverages by the glass, with or without food, for consumption on the premises.

Base Flood Elevation means the elevation in feet above mean sea level of the water surface for the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Basement means a story all or partly underground, but having at least one-half of its height below the average level of the adjoining ground.

Building means any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind.

Building Height means the vertical distance from the ground to the highest point of the roof.

Building Line or Front Setback Line means the line generally parallel with and measured perpendicular from the front lot line. Such lines define the limits of a front yard in which no building or structure may be located.

Business Service means any profit-making activity which renders services primarily to other commercial, institutional or industrial enterprises or which services and repairs appliances and machines used in other businesses.

Clinic means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician.

Conditional Use means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards and conditions, and the granting of a conditional use and zoning certificate.

Convalescent Facility or Nursing Home means a structure with sleeping rooms where persons are housed or lodged and are furnished with meals and nursing and/or limited medical care.

Customary Home Occupation means any occupation or profession conducted by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use and does not change the character thereof, provided that no article or service is sold or offered for sale on the premises except such as is produced by such occupation and that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage or signs not customary in residential areas.

SECTION II – DEFINITIONS (Continued)

Dwelling or Residence means any building or portion thereof which is designed or used for residential purposes, but not including motor homes or house trailers defined by Ohio Revised Code 4501.01 and not including a cabin, hotel, motel room or other such accommodation.

Dwelling, Multi-Family means a permanent building consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing.

Dwelling, Single-Family means a permanent building consisting of a single dwelling unit only, separated from other dwelling units by open space.

Dwelling, Two-Family means a permanent building consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having separate or combined entrance or entrances.

Erected or Constructed means built, constructed, altered, reconstructed, or moved upon. Any physical operations on the premises which are required for construction such as excavation, fill, drainage, and the like, shall be considered a part of erection. Any substantial relocation or deposition of fill or like material shall also be considered erection.

Family means a person living alone, or two (2) or more persons living together as a single housekeeping unit, in a dwelling unit.

Floor Area of a building means the sum of the gross horizontal area of the building floors, measured from the exterior faces of the exterior walls. Floor area shall not include basements, elevators and stair bulkheads, unfinished attic spaces, terraces, breezeways, uncovered steps, or garages.

Frontage or Lot Frontage means that portion of the lot that directly abuts the street or road, and has direct access thereto. Lot frontage shall be measured along the minimum building setback line.

Garage, Private means an accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Hospital means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.

Hotel, Motel or Inn means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests.

Institution means an organization providing social, cultural, educational or health services to member agencies, organizations and individuals or to the general public.

Junk Yard means a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of

SECTION II – DEFINITIONS (Continued)

salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.

Landowner means the holder of title, the holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (40) years, or any other person having an enforceable proprietary interest in land.

Lot means a parcel of land occupied or intended to be occupied by a main building or a group of such buildings and accessory buildings or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Resolution. A lot may or may not be specifically designated as such on public records.

Lot, Corner means a lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Resolution if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the line curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees.

Lot, Interior means any lot other than a corner lot.

Lot, Through means an interior lot having frontage on two streets.

Lot Area means the total horizontal area within the lot lines of the lot.

Lot Coverage means the part or percent of the lot occupied by buildings including accessory buildings.

Lot Depth means the horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot Lines means the lines bounding a lot as defined herein:

- a. **Front Lot Line**: In the case of an interior lot, is that line separating said lot from the center line of the roadway. In the case of a through lot, is that line separating said lot from either street center line. In the case of a corner lot, is that line separating said lot from center line of roadway which is designated as the front street in the plat or, if not platted, the street which the owner designates.
- b. **Rear Lot Line**: That lot line opposite the most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
- c. **Side Lot Line**: Any lot line other than the front lot line or rear lot line.

SECTION II – DEFINITIONS (Continued)

Lot of Record means a parcel of land, the dimensions of which are shown on a document or map on file with the County Recorder of Deeds or in common use by Township or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot Width means the horizontal straight-line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.

Manufacturing means any production or industrial process which combines one (1) or more raw materials or components into a product, or which changes the nature of the materials entering the process, and which by the nature of the materials, equipment, and/or process utilized is not objectionable by reason of odor, noise, vibration, dust, smoke, refuse, or water-carried wastes. Manufacturing does not include sanitary landfills.

Mobile Home means a portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed without a permanent foundation for year-round living. A unit may contain parts that may be folded, collapsed or telescoped when being towed, and expanded later to provide additional cubic capacity as well as two or more separately towable components designed to be joined into one integral unit capable of being again separated into components for repeated towing. Mobile units can be designed to be used for residential, commercial, educational or industrial purposes, excluding, however, travel trailers, motorized homes, pick up campers and camping trailers.

Motor Vehicle Storage or Salvage Yard means a place where unlicensed and/or inoperable motor vehicles are stored, handled or disassembled, and where component parts from those motor vehicles are sold or exchanged, but not including such places where such operations are conducted entirely within an enclosed building.

Nonconforming Building or Structure means a building or structure or portion thereof, for which all required permits, licenses and approvals had been obtained from all governmental and regulatory agencies and authorities, and which was lawfully existing, prior to the effective date of this Resolution, and that does not conform to the provisions of the Resolution in the district in which it is located.

Nonconforming Use means a use for which all required permits, licenses and approvals had been obtained from all governmental and regulatory agencies and authorities, and which was lawfully and actively being made of a building, structure or land, prior to the effective date of this Resolution, and that does not conform to the use regulations of the district in which it is located.

Nursery or Day Care Center means a facility which temporarily assumes responsibility for children in their parent/guardians absence.

Personal Service means any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, retail dry cleaning, barber or beauty shops, and related activities.

SECTION II – DEFINITIONS (Continued)

Pond means a water impoundment made by constructing a dam and/or embankment or by excavating a pit, intended to be used for recreational purposes.

Premises means a lot including buildings and structures thereon.

Principal Building means a building in which is conducted the main use of the property on which the building is located.

Professional Office means offices which engage in the provision to the general public of services of a professional nature such as legal, engineering, medical, accounting and architectural services.

Recreational Facilities means public or privately operated uses such as country clubs, golf courses, swimming pools or other areas maintained for the purpose of providing active or passive recreation.

Recreational Vehicle means a vehicular-type structure, primarily designed as temporary living quarters for recreation, camping or travel use which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered, including boats and boat trailers.

- a. A travel trailer is a vehicular portable structure mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a stock passenger automobile, primarily designed and constructed to provide temporary living quarters for recreation, camping or travel use.
- b. A camping trailer is a vehicular portable structure mounted on wheels, constructed with collapsible partial side walls of fabric, plastic or other pliable materials for folding compactly while being drawn by another vehicle, and when unfolded at the site location, providing temporary living quarters, and whose primary design is for recreation, camping or travel use.
- c. A truck camper is a portable structure, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreation, camping or travel use.
- d. A motor home is a structure built on and made an integral part of a self-propelled motor vehicle chassis other than a passenger car chassis, primarily designed to provide temporary living quarters for recreation, camping or travel use.

Restaurant means any business establishment where food and/or beverages are prepared and presented for human consumption on the premises.

Retail Business means a store primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

SECTION II – DEFINITIONS (Continued)

Right-of-way means the strip of land between property lines of a street, highway, road or easement, dedicated or otherwise acquired for use by the public.

Rooming House (Boarding House) means a dwelling or part thereof, other than a hotel, motel or restaurant, where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Setback means the distance required to meet minimum front, side or rear yard open space provisions of this Resolution. Setbacks from a public street shall be measured from the existing or proposed center line.

Sign means the use of any words, numerals, figures, devices, designs or trademarks by which anything is made known such as are used to show an individual, firm, profession, or business, and are visible to the general public.

Structure means anything constructed or erected which requires location on the ground or attachment to something having location on the ground.

Structural Alteration means any change to any supporting member of a structure, such as bearing walls, floors, columns, beams, or girders.

Substantial Improvement means any repair, reconstruction, or improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair has commenced.

Swimming Pool means any structure which is an assemblage of material capable of containing water and of being used for swimming or bathing and having a water depth of three (3) feet or more measured from the deepest point thereof to the overflow line. A swimming pool does not include ponds. A permanent swimming pool shall be considered a structure.

Township means the Township of Sugar Creek, Allen County, Ohio.

Use means the specific purpose for which land, building or structure is designated, arranged, intended or for which it is or may be occupied or maintained.

Yard means the open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Resolution, and as defined herein:

- a. **Front Yard** means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- b. **Rear Yard** means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

SECTION II – DEFINITIONS (Continued)

- c. Side Yard means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

Zoning Certificate means an official statement certifying that a proposed structure or use complies with all the provisions of this Zoning Resolution.

Zoning District means a portion of the unincorporated area of the Township within which zoning regulations and requirements or various combinations thereof apply under the provisions of this Resolution.

Zoning Resolution shall mean the Zoning Resolution for Sugar Creek Township dated as amended.

SECTION III

ADMINISTRATIVE BODIES AND THEIR DUTIES

3.01 ZONING INSPECTOR

3.01.01 Office Created

There is hereby created the office of Zoning Inspector. The Zoning Inspector shall be appointed for an indefinite term by the Township Trustees, and may be removed for nonperformance of duty, misconduct in office, or other cause, by the Township Trustees, upon written charges being filed with the Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the Zoning Inspector so charged at least ten (10) days prior to the hearing either personally, by registered mail, or by leaving such copy at his usual place of residence. The Zoning Inspector shall be given an opportunity to be heard and answer all such charges.

3.01.02 Duties

For the purpose of this Resolution, the Zoning Inspector shall have the following duties:

- a. Receive and keep adequate records of all applications, plans, permits, complaints, notifications, correspondence and any other information pertinent to the administration and enforcement of this Resolution.
- b. Take action on all zoning certificates in accordance with procedures as established by this Resolution.
- c. Provide copies of such records and information to the Township Trustees as required.
- d. Upon finding that any of these provisions of this Resolution are being violated, notify in writing the person responsible for such violation, ordering the action necessary to correct such violation.
- e. Order the discontinuance of illegal uses of land, buildings or structures.
- f. Order removal of illegal buildings or structures or illegal additions or structural alterations.
- g. Issue stop work orders for any violation of the Zoning Resolution.
- h. Take any other action authorized by this Resolution to ensure compliance with or to prevent violation of this Resolution

SECTION III – ADMINISTRATIVE BODIES AND THEIR DUTIES (Continued)

3.02 TOWNSHIP RURAL ZONING COMMISSION

3.02.01 Establishment

The Commission shall be composed of five (5) members who reside in the unincorporated area of the township, to be appointed by the Board of Township Trustees, and the terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year. Where there is a county or regional planning commission, the Board may appoint qualified members of such commission to serve on the township zoning commission. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Board, upon written charges being filed with the Board, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Board and shall be for the unexpired term.

3.02.02 Duties of the Zoning Commission

The Commission shall adopt rules necessary to conduct its affairs in keeping with the provisions of this Resolution. A yearly meeting shall be held on the third Wednesday of January for the purpose of election of officers and a yearly summary. Other meetings shall be held at the call of the Chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission 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 it shall be a public record and immediately filed in the office of the Commission. For the purpose of taking official action, the concurring vote of three (3) members of the Commission shall be necessary.

For the purpose of this Resolution, the Commission shall have the following duties:

- a. Review all proposed amendments to this Resolution in accordance with Section VI and make recommendations to the Board of Township Trustees.
- b. Review all proposed new Zoning Resolutions and make recommendations to the Board of Township Trustees.

3.03 BOARD OF ZONING APPEALS

3.03.01 Creation

There is hereby created a Board of Zoning Appeals, which shall have the powers and duties required thereof by the provisions of Sections 519.13 through 519.15

SECTION III – ADMINISTRATIVE BODIES AND THEIR DUTIES (Continued)

3.03.01 Creation (Continued)

of the Ohio Revised Code, subject, however, to such rules of a procedural nature as the said Board may from time to time adopt and promulgate for the purpose of expeditiously disposing of matters properly before it.

Said Board shall consist of five (5) members appointed by the Board of Township Trustees. Every member shall be a legal resident of the unincorporated territory of Sugar Creek Township. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. However, each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by resolution of the Board of Township Trustees for the unexpired term of the member affected.

Where the Board of Zoning Appeals deems appropriate and as authorized by the Township Trustees, the Board shall be authorized to hire, retain, or contract for the services of any consultant, experts or professional or technical assistants as it deems necessary to carry out its duties as specified in this Resolution.

3.03.02 Proceedings

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with this Resolution. A yearly meeting shall be held on the third Wednesday of January for the purpose of election of officers and a yearly summary. Other meetings of the Board shall be held at the call of the Chairman and at such other times as the Board determines. The Chairman, or in his absence the acting Chairman, may administer oaths, and the Board of Zoning Appeals may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board 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 immediately filed in the office of the Township Trustees and be a public record.

3.03.03 Duties of the Board of Zoning Appeals

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this Resolution, reverse or affirm wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. For the purpose of taking official action, the concurring vote of three (3) members of the Board shall be necessary, except that for the purpose of granting a variance, authorizing a conditional use, or authorizing the substitution of a nonconforming use, the concurring vote of four (4) members of the Board shall be necessary. For the purposes of this Resolution the Board has the following specific responsibilities:

SECTION III – ADMINISTRATIVE BODIES AND THEIR DUTIES (Continued)

3.03.03 Duties of the Board of Zoning Appeals (Continued)

- a. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Inspector.
- b. To grant or deny variances in accordance with the provision of this Resolution.
- c. To grant or deny conditional use certificates in accordance with this Resolution and, where such certificate is granted, to impose such safeguards as will uphold the intent of this Resolution.

SECTION IV
ENFORCEMENT

4.01 ZONING CERTIFICATE REQUIRED

It shall be unlawful for an owner or other person to use or to permit the use of any non-agricultural structure, building or land, or part thereof, hereafter created, erected, changed, structurally altered, converted or enlarged, wholly or partly, until a zoning certificate shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided that the structure, building or premises and the proposed use thereof conforms with all the requirements of this Resolution. No zoning certificate shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Resolution.

Any zoning certificate issued or other action taken in conflict with the provisions of this Resolution shall be null and void.

A zoning certificate shall be required for any of the following except as herein provided:

- a. Construction, structural alteration, or enlargement of any non-agricultural building or structure including accessory buildings.
- b. Change in use of an existing building or structure to a use, excepting agricultural use, of a different classification.
- c. Occupancy and/or use, excepting agricultural use, of land.
- d. Change in the use of land to a use, excepting agricultural use, of a different classification.
- e. Any change in the use of a nonconforming use.

4.02 CONTENTS OF APPLICATION FOR ZONING CERTIFICATE

Four copies of an application for zoning certificate shall be signed by the 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 the applicant and, if different, the owner.
- b. Legal description of the property.
- c. Existing use.
- d. Proposed use.

SECTION IV – ENFORCEMENT (Continued)

4.02 CONTENTS OF APPLICATION FOR ZONING CERTIFICATE (Continued)

- e. Zoning district in which the property is located.
- f. One (1) set of plans 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), structure(s), structural alteration(s) or enlargement(s).
- g. Building or structure heights.
- h. Number of off-street parking spaces.
- i. Number of dwelling units.
- j. A certified copy of a permit relative to the disposal of sanitary waste as provided by the Lima-Allen County General Health District or the appropriate state body.
- k. Such other material as may be necessary to determine conformance with and to provide for the enforcement of this Resolution.

4.03 APPROVAL OF ZONING CERTIFICATE

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Resolution. Zoning certificates issued on the basis of plans and applications approved by the Zoning Inspector shall authorize only the use and arrangement set forth in such approved plans and applications or approved amendments thereto. All zoning certificates shall be conditional upon the commencement of work within one (1) year and substantial completion within two and one-half (2 ½) years. One copy of the plans shall be returned to the applicant by the Zoning Inspector after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One (1) set of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall post a placard or copy of the approved zoning certificate in a conspicuous place on the property in question, attesting to the fact that a zoning certificate has been issued.

4.04 COMPLAINTS

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a signed complaint with the Zoning Inspector stating the causes and basis thereof. The Zoning Inspector shall record such complaint, immediately investigate, and take such appropriate action thereon, as is provided by this Resolution.

SECTION IV – ENFORCEMENT (Continued)

4.05 PENALTIES

Violation of the provisions of this Resolution or the terms of any certificate issued hereunder shall constitute a misdemeanor. Any person who violates this Resolution or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100 and, in addition, shall pay all costs and expenses incurred in the case. Each day such violation continues after receipt of a violation notice shall be a separate offense. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation shall each be found guilty and suffer the penalties herein provided. Nothing contained herein shall prevent the Township, the County prosecutor, or any adjacent or neighboring property owner, who is or would likely be damaged by such violation, from taking such other action authorized by law as is necessary to prevent or remedy any violations.

4.06 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Board of Township Trustees shall establish a schedule of fees, charges, and expenses and a collection procedure for applications, appeals, and other matters pertaining to this Resolution. The schedule of fees shall be posted in the office of the Township Trustees and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

A late charge will be assessed for any late applications for building permits. Late application shall be defined as those applications applied for after construction has been initiated.

SECTION V

NONCONFORMING USES

5.01 INTENT

It is the intent of this Resolution to permit nonconforming uses to continue until they are removed, discontinued or abandoned, but not to encourage their survival.

5.02 SUBSTITUTION

With the approval of the Board of Zoning Appeals, and subject to such terms and conditions as it may impose, a nonconforming use may be changed to another nonconforming use, provided that the use to which it is changed is a permitted use in any zoning district established by this Resolution, and provided further that the use to which it is changed will not have any significant additional adverse impact upon other premises in the zoning district.

5.03 EXTENSION

Any lawful, nonconforming use which has been discontinued or abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered discontinued or abandoned whenever any one of the following conditions exist:

- a. When the intent of the owner to discontinue or abandon the use is apparent.
- b. When the use has been discontinued for a period of one (1) year.
- c. When the nonconforming use has been replaced by a conforming use.
- d. When it has been changed to another nonconforming use under permit from the Board of Zoning Appeals.

5.04 REPAIRS

Repairs and maintenance work may be made on a nonconforming building or structure only as are necessary to keep it in sound condition provided, however, that no structural alteration shall be made except as required by law.

SECTION V – NONCONFORMING USES (Continued)

5.05 MOBILE HOMES

A mobile home located in a permissible district or in a district as a nonconforming use shall not be replaced except with a mobile home that is of the same model year or newer. However, in no event should said mobile home be less than nine hundred eighty (980) square feet in floor space.

SECTION VI

DISTRICT CHANGES AND RESOLUTION AMENDMENTS

6.01 INTENT

It is the intent of this section to paraphrase and describe the requirements of the Ohio Revised Code for amending the Zoning Resolution. If and to the extent that the provisions of this Resolution are inconsistent with those prescribed by the Ohio Revised Code, as amended, the provisions of the Ohio Revised Code shall govern.

6.02 INITIATION OF AMENDMENTS OR SUPPLEMENTS

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Zoning Commission by the passage of a resolution therefor by the Township Trustees or by the filing of an application therefor by one (1) or more owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Zoning Commission. The Township Trustees shall upon the passage of such resolution certify it to the Zoning Commission.

6.03 APPLICATION

Applications for amendments or supplements to this Resolution shall be submitted to the Zoning Commission upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Zoning Commission so as to provide for the fullest practicable presentation of facts. Each such application shall be verified by at least one (1) of the owners or lessees of property within the area proposed to be changed or affected attesting to the truth and correctness of all facts and information presented with the application.

6.04 NAMES AND ADDRESSES OF PROPERTY OWNERS

Any person or persons desiring amendments or supplements to this Zoning Resolution shall file with the application for such change a statement giving the names of all owners of property within and contiguous to, and directly across the street from the area proposed to be reclassified or redistricted, and the addresses of such owners appearing on the current Allen County Auditor's tax list. If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, this requirement shall be waived.

SECTION VI – DISTRICT CHANGES AND RESOLUTION AMENDMENTS (Continued)

6.05 PUBLIC HEARING BY ZONING COMMISSION

Upon the adoption of such motion or the certification of such resolution or the filing of such application, the Zoning Commission shall set a date for a public hearing thereon which date shall not be less than twenty (20) days, nor more than forty (40) days from the date of filing of such application or the adoption of the motion or certification of the resolution. Notice of such hearing shall be given by the Zoning Commission by one (1) publication in one (1) or more newspapers of general circulation in the Township at least fifteen (15) days before the date of such hearing, and shall set forth such information as is required by Section 519.12 of the Ohio Revised Code.

6.06 WRITTEN NOTICE

If the proposed amendment intends to rezone or redistrict ten (10) or fewer parcels of land as listed on the County Auditor's current tax list, written notice of the hearing shall be mailed by the Zoning Commission to all owners of property within, contiguous to, or directly across the street from the area proposed to be reclassified or redistricted by first class mail twenty (20) days before such hearing 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 amendment or supplement. The notice shall contain the information required by Section 519.12 of the Ohio Revised Code.

6.07 TRANSMITTAL TO REGIONAL PLANNING COMMISSION

Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the Zoning Commission shall transmit a copy thereof together with the text and map pertaining thereto to the Regional Planning Commission.

6.08 ACTION BY REGIONAL PLANNING COMMISSION

The Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.

6.09 RECOMMENDATION BY ZONING COMMISSION TO TOWNSHIP TRUSTEES

The Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the Regional Planning Commission thereon to the Township Trustees.

SECTION VI – DISTRICT CHANGES AND RESOLUTION AMENDMENTS (Continued)

6.10 PUBLIC HEARING BY TOWNSHIP TRUSTEES

The Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date will 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 Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township at least fifteen (15) days before the date of such hearing. The published notice shall contain the information required by Section 519.12 of the Ohio Revised Code.

6.11 VOTE BY TOWNSHIP TRUSTEES

Within twenty (20) days after such public hearing, the Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Trustees deny or modify the recommendations of the Zoning Commission, the unanimous vote of the Township Trustees shall be required.

6.12 EFFECTIVE DATE OF AMENDMENT OR SUPPLEMENT: RESOLUTION

Such amendment or supplement adopted by the Trustees shall become effective thirty (30) days after the date of such adoption unless, within thirty (30) days after the adoption of the amendment or supplement, there is presented to the Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township equal to not less than eight percent (8%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Township Trustees to submit an amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

6.13 RESULT OF REFERENDUM

No amendment or supplement 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 Election that the amendment has been approved by the voters, it shall take immediate effect.

SECTION VII

APPEALS

7.01 APPEALS

Any official action of the Zoning Inspector may be appealed by any person aggrieved or by any officer of the legislative authority of the Township affected by the decision of the Zoning Inspector.

7.02 NOTICE OF APPEAL

A notice of appeal shall be filed with the clerk of the Township Trustees within thirty (30) days from the date of the action by the Zoning Inspector from which appeal is sought. Such notice of appeal shall be in writing and signed by the appellant, setting forth the grounds of the appeal. A copy of the action by the Zoning Inspector shall be attached to the notice of appeal. Within ten (10) days from the date of receipt of such notice of appeal, the clerk of the Township Trustees shall transmit said notice to the Board of Zoning Appeals.

7.03 ACTION BY BOARD OF ZONING APPEALS

Within forty-five (45) days from transmittal of the notice of appeal to the Board of Zoning Appeals, the Board shall hold a hearing on the said appeal. Notice of the date and location of the hearing shall be given by the Board of Zoning Appeals to the appellant and the Zoning Inspector by first class mail at least twenty (20) days before the date of such hearing. The Board may give notice of the hearing by one (1) publication in one (1) or more newspapers of general circulation in the Township and may allow persons interested in the appeal to be heard.

SECTION VIII

VARIANCES

8.01 AUTHORIZATION

Recognizing that on any particular property or premises, extraordinary circumstances may exist under which a strict enforcement of the applicable zoning resolution standards would result in a substantial hardship to the owner or user of land, the following variance procedure is provided to allow the flexibility necessary to adapt to such circumstances. However, no variance shall be granted to allow a use that is not a permitted use in the zoning district in which the premises for which the variance sought is located.

8.02 APPLICATION FOR VARIANCE

Application for any variance shall be in writing on forms prescribed for that purpose by the Board of Zoning Appeals. The application shall include the following information:

- a. The nature of the variance sought, including the specific provisions of the zoning resolution from which the variance is requested.
- b. An accurate, legal description of the property and appropriate maps and drawings showing said property and its location within the township zoning area.
- c. A clear and concise statement of the special circumstances or conditions applying to the land, building or structure which do not apply generally throughout the zoning district and which would warrant the issuance of a variance from the applicable zoning standards.
- d. An explanation of the special circumstances and conditions which demonstrates that these special conditions and circumstances are not attributable to the applicant or the operation of the applicant's facilities.

8.03 ACTION BY THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall take action on the application for a variance within forty-five (45) days following receipt of application for same. The Board of Zoning Appeals shall hold a public hearing on the application. The notice for such hearing shall be given by the Board of Zoning Appeals by one (1) publication in one (1) or more newspapers of general circulation in the Township at least twenty (20) days before the date of such hearing. In deciding the request for a variance, the Board of Zoning Appeals may seek a recommendation from the Regional Planning Commission. If such a recommendation is received by the Board of Zoning Appeals in sufficient time, such recommendation shall be considered in taking action on the variance.

SECTION VIII – VARANCES (Continued)

8.04 STANDARDS FOR VARIANCE

The Board of Zoning Appeals shall approve a variance only if it finds:

- a. That special conditions and circumstances exist which are peculiar to the land, buildings, or structures involved and which are not applicable to other lands, buildings or structures in the same zoning district.
- b. That a literal interpretation of the provisions of the zoning resolution would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the zoning resolution.
- c. That the special conditions and circumstances applicable to the applicant's property or facility are not attributable to the actions or operations of the applicant or the applicant's agents or assigns.
- d. That granting the variance requested will not adversely affect the health or safety of persons residing or working in or in the vicinity of the property for which the variance is sought, will not be materially detrimental to the public welfare, will not be injurious to private property or public improvements in the vicinity, will not unreasonably hinder or discourage the appropriate development, use and enjoyment of other land, buildings and structures, nor will the granting of the variance pose a threat to the environment, nor the health, safety, welfare, or morals of the residents of the Township.

SECTION IX

CONDITIONAL USES

9.01 AUTHORIZATION

Specifically listed conditional uses are provided within the Zoning District regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the principal permitted uses of such Zoning District.

The intent of the procedure for authorizing a conditional use is to set forth the development standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

Conditional uses shall only be authorized by the Board of Zoning Appeals consistent with the procedures outlined in this Section of this Resolution.

9.02 PROCEDURE

An application for a Conditional Use Certificate shall be in writing on forms prescribed for that purpose by the Board of Zoning Appeals. The Board may require such other and such additional information including, but not limited to, detail, engineering, or construction plans and such other technical information as the Board shall deem necessary to properly review and consider said application.

Prior to the issuance of any conditional use certificate, the Board shall fix a reasonable time for a public hearing in such application. The Board shall give at least ten (10) days notice of such hearing, in writing, to the parties of interest and shall give notice of such public hearing by no less than one (1) publication in one (1) or more newspapers of general circulation in the County no less than ten (10) days before the date of such hearing. Within fifteen (15) days after any such hearing, the Board shall grant or deny, in writing, the conditional use certificate applied for and may attach such terms and conditions as it deems appropriate.

9.03 STANDARDS AND CONDITIONS FOR CONDITIONAL USE

The Board of Zoning Appeals, in considering an application for a Conditional Use Certificate, shall consider the nature and condition of all uses, lands, buildings and structures that may be affected by the proposed conditional use and may impose such conditions, requirements and terms with respect to location, duration, construction, maintenance, operation and other aspects of the conditional use as the Board may deem necessary for the protection of adjacent properties and the public health, safety, morals and general welfare.

SECTION IX – CONDITIONAL USES (Continued)

9.03 STANDARDS AND CONDITIONS FOR CONDITIONAL USE (Continued)

The Board shall not grant a Conditional Use Certificate unless it finds that:

- a. The proposed conditional use will comply with applicable provisions of this Resolution including lot size requirements, developmental standards, and use limitations.
- b. Adequate utility, drainage, and other necessary facilities have been or will be provided.
- c. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.
- d. All necessary permits, licenses and approvals for the use and operation of the conditional use have been obtained or evidence has been submitted that such permits, licenses and approvals are obtainable for the proposed conditional use on the subject property.
- e. All exterior lights are so shaded as to avoid causing direct light upon any property located in an R-District.
- f. The location and size of the conditional use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- g. The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings, and structures.
- h. The conditional use desired will not adversely affect the public health, safety and welfare of the general public.

SECTION X
ZONING DISTRICTS

10.01 DISTRICTS

In order to classify and regulate the use and location of buildings designed for specified non-agricultural uses; to regulate and limit the height and bulk of non-agricultural buildings; to regulate the area of yards, courts and other open spaces surrounding non-agricultural buildings and structures; the unincorporated area within Sugar Creek Township, Allen County, Ohio, is hereby divided into the following districts:

- A - Agricultural District
- R-1 - Single-Family Residential District
- R-2 - Single and Two-Family Residential District
- B-1 - Limited Business District
- B-2 - General Business District
- M - Manufacturing District

10.02 OVERLAY DISTRICT

The following district shall be an overlay district and subject to the regulations of the district which it overlays in addition to the regulations of the overlay district:

- FP - Floodplain District

10.03 ZONING MAPS

The boundaries of these districts are hereby established as shown on the Zoning Maps of Sugar Creek Township, Allen County, Ohio. Said Zoning Maps along with all notations, dimensions, and references shown thereon, shall be and are hereby incorporated and made a part of this Resolution. Such Zoning Maps shall be and remain on file in the office of the Board of Sugar Creek Township Trustees.

10.04 DISTRICT BOUNDARIES

Except where referenced and noted on the Zoning Maps by a designated line and/or dimension, the district boundary lines are intended to follow property lines, lot lines, or center lines of streets, alleys, streams, or railroads as they existed at the time of the passages of this Resolution, or the extension of such lines.

SECTION XI

A - AGRICULTURAL DISTRICT

11.01 INTENT

The intent of the Agricultural District is to provide for and maintain large tracts of land for present agricultural activity and to protect this land from urban encroachment and other uses which may adversely affect or impact existing and future agricultural activity.

11.02 PERMITTED USES

The following uses and no other shall be permitted in all "A" Districts.

- a. Agriculture and the usual agricultural buildings and structures.
- b. Single-family dwellings and buildings accessory thereto but excluding tents, cabins, trailer coaches, mobile homes and basement dwellings. Except that any structure may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such excluded use shall not be continued for more than one (1) year. Earth sheltered housing or partial underground buildings or structures designed to conserve energy shall not be considered a basement dwelling.
- c. Customary home occupations as defined in Section II of this Resolution.
- d. Public and private parks, golf courses, country clubs, and public cemeteries.
- e. Signs as regulated by Section 33.07 of this Resolution.

11.03 CONDITIONAL USES

The following conditional uses shall be allowed in the "A" District, subject to the approval of the Board of Zoning Appeals as provided in Section IX of this Resolution.

- a. A mobile home with a floor area of at least nine hundred eighty (980) sq. ft. provided the following additional conditions are met:
 1. The mobile home shall be placed on a foundation suitable to support the dwelling unit.
 2. The mobile home shall be provided with anchors and tie downs such as cast-in-place concrete "dead men" eyelets embedded in concrete, screw augers, arrowhead anchors, or other devices for securing the stability of the mobile home.

SECTION XI – A – AGRICULTURAL DISTRICT (Continued)

11.03 CONDITIONAL USES (Continued)

3. The mobile home shall be skirted, entirely enclosing the bottom section, within ninety (90) days after its placement.
 4. All requirements for Agricultural Districts shown in the Schedule of Regulations shall be complied with, except for the minimum floor area per dwelling requirement of one thousand one hundred (1,100) sq. ft.
 5. The mobile home shall have its own individual system for the disposal of sanitary wastes as approved by the combined Allen County General Health District.
- b. Churches and places of public worship.
 - c. Extraction of natural resources as a conditional use.

11.04 LOT AREA, YARD REQUIREMENTS, AND HEIGHT LIMITS

Lot area, yard requirements and height limits shall be as provided in Section XXXII of this Resolution.

11.05 OFF-STREET PARKING

Off-street parking spaces shall be provided in accordance with the requirements for specific uses listed in Section 33.01.

SECTION XII

R-1 - SINGLE-FAMILY RESIDENTIAL DISTRICT

12.01 INTENT

It is the intent of the Single-Family Residential District to provide for an environment suitable for residential living and to allow for additional suitable uses and facilities compatible with such environment which serves the residents of the district.

12.02 PERMITTED USES

The following uses and no other shall be permitted in the "R-1" District:

- a. Single-family dwellings and buildings accessory thereto but excluding tents, cabins, trailer coaches, mobile homes and basement dwellings. Except that any structure may be temporarily used as a residence on a lot while a dwelling is being constructed thereon, but such excluded use shall not be continued for more than one (1) year. Earth sheltered housing or partial underground structures designed to conserve energy shall not be considered a basement dwelling.
- b. Customary home occupations as defined in Section II of this Resolution.
- c. Signs as regulated by Section 33.07 of this Resolution.

12.03 CONDITIONAL USES

The following conditional uses shall be allowed in the "R-1" District, subject to the approval of the Board of Zoning Appeals as provided in Section IX of this Resolution:

- a. Churches and places of public worship.
- b. Public parks, golf courses and country clubs.

12.04 LOT AREA, YARD REQUIREMENTS, AND HEIGHT LIMITS

Lot area, yard requirements and height limits shall be as provided in Section XXXII of this Resolution.

12.05 OFF-STREET PARKING

Off-street parking spaces shall be provided in accordance with the requirements for specific uses listed in Section 33.01.

SECTION XIII

R-2 - SINGLE AND TWO-FAMILY RESIDENTIAL DISTRICT

13.01 INTENT

The Single and Two-Family Residential District is intended to provide for an environment suitable for residential living and to allow for additional uses and facilities compatible with such environment, which serve the residents of the district.

13.02 PERMITTED USES

The following uses and no other shall be permitted in the "R-2" District:

- a. Any use listed as a permitted use in the "R-1" District.
- b. Two-Family dwelling units.
- c. Signs as regulated by Section 33.07 of this Resolution

13.03 CONDITIONAL USES

The following conditional uses shall be allowed in the "R-2" District, subject to the approval of the Board of Zoning Appeals as provided in Section IX of this Resolution:

- a. Any use listed as a conditional use in the "R-1" District.

13.04 LOT AREA, YARD REQUIREMENTS, AND HEIGHT LIMITS

Lot area, yard requirements and height limits shall be as provided in Section XXXII of this Resolution.

13.05 OFF-STREET PARKING

Off-street parking spaces shall be provided in accordance with the requirements for specific uses listed in Section 33.01.

SECTIONS XIV - XIX

Reserved

SECTION XX

B-1 - LIMITED BUSINESS DISTRICT

20.01 INTENT

It is the intent of the Limited Business District to provide areas for low-intensity business and commercial uses located in close proximity to agricultural and residential areas.

20.02 PERMITTED USES

- a. Uses listed as permitted and conditional uses in the "R-2" District.
- b. Nursery and day nursery schools, provided that all outdoor play areas shall be located not less than twenty-five (25) feet from any adjoining lot and provided further that such play areas shall be fenced and screened from any adjoining lot.
- c. Private clubs, lodges, and meeting places for other organizations, not including any use that is conducted as a gainful business.
- d. Offices and clinics of physicians, dentists, architects, engineers, attorneys, real estate brokers, accountants, insurance brokers or similar professions.
- e. Public or private schools, libraries, museums, or lodges.
- f. Convalescent facilities or nursing homes.
- g. Signs, as regulated by Section 33.07 of this Resolution.

20.02.01 Conditional Uses

The following conditional uses shall be allowed in the "B-1" District, subject to the approval of the Board of Zoning Appeals as provided in Section IX of this Resolution:

- a. Amusement Arcades.

20.03 OFF STREET PARKING

Off-street parking spaces shall be provided in accordance with the requirements for specific uses listed in Section 33.01.

SECTION XX – B-1 - LIMITED BUSINESS DISTRICT (Continued)

20.04 LIGHTING

Any lighting system used to illuminate an area used for parking and/or loading so as to reflect the light away from the adjoining premises in said residential district.

20.05 LOT AREA, YARD REQUIREMENTS AND HEIGHT LIMITS

Lot areas, yard requirements and height limits shall be as provided in Section XXXII of this Resolution.

SECTION XXI

B-2 - GENERAL BUSINESS DISTRICT

21.01 INTENT

It is the intent of the General Business District to provide areas for most retail businesses and service uses. It is further the intent of this District to prohibit residential units except in conjunction with business uses.

21.02 PERMITTED USES

The following uses and no other shall be permitted in the "B-2" Districts:

- a. Office buildings or clinics;
- b. Public or private schools, libraries, museums, or lodges;
- c. Churches and places of public worship;
- d. Rooming houses, hotels, motels, inns, tourist homes;
- e. Restaurants, bars;
- f. Banks, savings and loan companies, personal loan companies;
- g. Automobile service stations and vehicle repair facilities, and automobile or motor vehicle sales;
- h. Self-service laundry and/or dry cleaners;
- i. Personal service establishments, including barber shops and beauty salons, small appliance repair;
- j. Dwelling units, provided said units are located within a building whose principal use is permitted in the "B-2" District;
- k. Signs as regulated by Section 33.07 of this Resolution; and,
- l. Any retail business.

21.02.01 Conditional Uses

The following conditional uses shall be allowed in the "B-2" District, subject to the approval of the Board of Zoning Appeals as provided in Section IX of this Resolution:

- a. Amusement Arcades.

SECTION XXI – B-2 – GENERAL BUSINESS DISTRICT (Continued)

21.03 OFF-STREET PARKING

Off-street parking spaces shall be provided in accordance with the requirements for specific uses listed in Section 33.01 of this Resolution.

21.04 LIGHTING

Any lighting system used to illuminate the area used for parking and/or loading and adjoining a residential district must be arranged so as to reflect the light away from the adjoining premises in said residential district.

21.05 LOT AREA, YARD REQUIREMENTS, AND HEIGHT LIMITS

Lot areas, yard requirements and height limits shall be as provided in Section XXXII of this Resolution.

SECTIONS XXII - XXIX

Reserved

SECTION XXX

M - MANUFACTURING DISTRICT

30.01 INTENT

It is the intent of the Manufacturing District to provide suitable areas for a range of industrial activities while protecting the character of nearby agricultural, residential and business areas.

30.02 PERMITTED USES

The following uses and no other shall be permitted in all "M" Districts:

- a. Manufacturing, compounding, processing, assembling, packaging or treatment of goods, materials and products, consistent with the intent of the "M" District.
- b. Contractor equipment and contractor's storage yards.
- c. Warehousing, distribution and related uses, including truck and transfer terminals.
- d. Administrative and business office associated with and incidental to another permitted use.
- e. Signs, as regulated by Section 33.07 of this Resolution.
- f. Grain Elevators.

30.03 CONDITIONAL USES

The conditional uses shall be allowed in the "M" District, subject to the approval of the Board of Zoning Appeals as provided in Section IX of this Resolution.

30.04 OFF-STREET PARKING

Off-street parking spaces shall be provided in accordance with the requirements for specific uses listed in Section 33.01 of this Resolution.

SECTION XXX – M – MANUFACTURING DISTRICT (Continued)

30.05 LIGHTING

Any lighting system used to illuminate the area used for parking and/or loading and adjoining a residential district must be arranged so as to reflect light away from adjoining premises in said residential district.

30.06 LOT AREA, YARD REQUIREMENTS, AND HEIGHT LIMITS

Lot areas, yard requirements, and height limits shall be as provided in Section XXXII of this Resolution.

SECTION XXXI

FP - FLOODPLAIN OVERLAY DISTRICT

31.01 INTENT

The purpose of the Floodplain District is to control and regulate development within areas susceptible to flooding and to control the filling, grading, dredging and other development which may increase flood damage.

31.02 SCOPE AND APPLICATION

This Section shall apply to all lands within Sugar Creek Township shown as within the boundaries of the Special Flood Hazard Area as shown on the official Flood Hazard Boundary Map, Community-Panel Number 390758 0002A, and any official published revisions of this map. In the event there is disagreement regarding whether a specific tract or parcel is located within the Special Flood Hazard Area, the determination shall be made by the Allen County Engineer.

31.03 OVERLAY DISTRICT DESIGNATION

The areas of Special Flood Hazard Area identified on the Official Zoning District Map shall be known as an overlay district. This overlay district shall be designated as the Floodplain Overlay (FP) District.

The Floodplain Overlay (FP) District shall be superimposed over the Official Zoning District Map. The underlying zoning district, as shown on the Official Zoning District Map, shall hereafter be called the base district.

Those areas within the Floodplain Overlay District shall be subject to all the requirements of the Floodplain Overlay District, as well as the specific uses and minimum requirements of the base district.

31.04 CERTIFICATION BY COUNTY ENGINEER

If requested by the Zoning Inspector, the applicant for a zoning certificate shall obtain a letter from the County Engineer stating that the specific tract for which development is proposed is within, partially within, or outside the boundaries of the "FP" District. If the specific lot is partially within the "FP" District, the applicant shall obtain from the County Engineer a suitable description of that portion of the lot that is within the "FP" District.

If the lot is within or partially within the "FP" District, the certification shall also include a statement by the County Engineer pertaining to:

- a. Whether the lot should be filled or graded.

SECTION XXXI – FP – FLOODPLAIN OVERLAY DISTRICT (Continued)

31.04 CERTIFICATION BY COUNTY ENGINEER (Continued)

- b. Whether construction or development of buildings or structures should be allowed on the lot.

If the County Engineer determines that the lot should not be filled or construction or development on the lot of the type proposed by the applicant should not be allowed, then the Zoning Inspector shall not issue a zoning certificate. The following shall be provided to the Zoning Inspector:

- a. Plans in duplicate drawn to scale showing the location, dimensions, and elevations of the area in question, existing and proposed buildings or structures, fill, storage of materials, and drainage facilities.
- b. Elevation in relation to mean sea level of the lowest floor, including basement of all proposed structures.
- c. Elevation in relation to mean sea level to which any proposed structure will be floodproofed.
- d. Certification by a registered professional engineer or architect that the floodproofing methods for any structure meet the floodproofing criteria in Section 31.07 of this Resolution.
- e. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- f. Base flood elevation data as provided by the Lima-Allen County Regional Planning Commission or the County Engineer. Where such base flood elevation data cannot be provided from these sources, the applicant shall provide such data in accordance with a hydrologic and hydraulic engineering analysis performed and certified by a professional engineer who shall demonstrate that the technical methods used correctly reflect currently accepted technical concepts.
- g. Other information as requested by the Zoning Inspector to determine conformance with this Resolution.

31.05 DETERMINATION BY ZONING INSPECTOR

In determining whether a zoning certificate shall be issued, the Zoning Inspector may request a recommendation from the County Engineer and/or the Lima-Allen County Regional Planning Commission.

31.06 DEVELOPMENT STANDARDS

If the County Engineer determines that the lot or tract in question may be developed pursuant to Section 31.04 of this Resolution, then the lot or tract in question shall be subject to the following requirements and standards in addition to those requirements of the base district:

a. Construction

New construction or substantial improvement of any residential, commercial, or industrial structure shall either have the lowest floor, including basement, elevated to a level not less than one (1) foot above the base flood elevation;

(or)

Together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to an elevation of not less than one (1) foot above the base flood elevation.
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
3. Be certified by a registered professional engineer or architect that the standards of this section are satisfied.

In addition, all new construction and/or substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and shall be constructed using materials, utility equipment, methods and practices that minimize flood damage.

b. Mobile Homes

All mobile homes shall be anchored consistent with the following standards and requirements:

1. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations [for mobile homes less than fifty (50) feet long, only one additional tie per side shall be required].
2. Frame ties be provided at each corner of the mobile home with five (5) additional ties per side at intermediate points. For mobile homes less than fifty (50) feet long, only four (4) additional ties per side shall be required.

SECTION XXXI – FP – FLOODPLAIN OVERLAY DISTRICT (Continued)

31.06 DEVELOPMENT STANDARDS (Continued)

3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds.
4. Any additions to the mobile home be similarly anchored.

(or)

All mobile homes shall be elevated according to the following requirements:

1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be three (3) feet above the base flood level.
 2. Adequate surface drainage and access for a hauler are provided.
 3. In the instances of elevation on pilings, that:
 - (a) Lots are large enough to permit steps;
 - (b) Piling foundations are placed in stable soil no more than ten (10) feet apart; and,
 - (c) Reinforcement is provided for pilings more than six (6) feet above the ground level.
- c. Filling of Lots

If the County Engineer determines that the filling of a lot may be allowed, pursuant to Section 31.04 of this Resolution, then the applicant shall submit evidence to the County Engineer that the cumulative effect of the proposed filling, along with any proposed development of the lot, shall not increase the water surface elevation of the base flood more than one (1) foot at any point. Such evidence shall be prepared and certified by an engineer registered in the State of Ohio.

SECTION XXXII

LOT AREA, YARD REQUIREMENTS AND HEIGHT LIMITS

32.01 SCHEDULE OF DISTRICT REGULATIONS

The minimum lot area, yard requirements, and height limits for buildings and structures in the zoning districts shall be as shown on the following schedule of District Regulations which is hereby made a part of this Resolution.

**SECTION 32.01
SCHEDULE OF DISTRICT REGULATIONS**

Zoning District	Number of Dwelling Units	Minimum Lot Area (Sq.Ft.)	Minimum Lot Area Per Family Unit (Sq.Ft.)	Minimum Lot Width(3) (Feet)	Minimum Lot Frontage (Feet)	Minimum Yard Setbacks (Feet)			Minimum Floor Area Per Dwelling Unit (Sq.Ft.)	Maximum Height of Structure (Feet)
						Front (4)(*)	Side (6)	Rear		
A	1	87,120	87,120	90	100	55 90(5)	8(7) 60(8)	35	1,100	35
R-1	1	20,000 (1) 43,560 (2)	20,000 43,560	90	100	55 90(5)	8(7) 60(8)	35	1,100	35
R-2	1	20,000 (1) 43,560 (2)	20,000 43,560	90	100	55 90(5)	8(7) 60(8)	35	1,100	35
	2	43,560 (1) 43,560 (2)	20,000 20,000	90	100	55 90(5)	8(7) 60(8)	35	1,100	35
B-1, B-2		10,000 (1) 30,000 (2)		90	100	55 90(5)	(9)	35		35
M		10,000 (1) 30,000 (2)		90	100	55 90(5)	(9)	35		35

(1) With Central/Public Sewage System.

(2) With Private Sewage System.

(3) Measured at the Building Line.

(4) Measured to Center of Road Pavement.

(5) On State and County Roads.

(6) Applies to the Main Building only. Accessory Structures May be placed as far back as the Rear Lot Line.

(7) Applies where side of lot does not adjoin public street or road.

(8) Applies where side of lot adjoins public street or road.

(9) None, except 25-feet where side of lot adjoins R or A District, and 60-feet where footnote (8) applies.

(*) If a building is destroyed as a result of a fire or other casualty, the minimum yard frontage, as set forth in this ordinance, may be subject to a grant of variance on proper application to the Board of Zoning Appeals, but only to such person or persons who were the owners of the subject property at the time of such destruction.

32.02 MEASUREMENTS

32.02.01 Front Yard Depth

The front yard depth shall be measured from the centerline of the street, highway or road on which the lot has frontage to the building line.

32.02.02 Side Yard Width

The side yard width shall be measured from the nearest side lot line. In those cases where the side lot line of the lot adjoins a public street or road, then the side yard width shall be measured from the centerline of the street or road.

32.03 PROJECTIONS INTO YARDS

The only projections into yards shall be:

- a. A wall or fence may be erected in any yard or court, whereby the posts of any such structures shall be located on the parcel erecting the fence, and fence not to exceed forty-eight (48) inches in height in any front yard. The fencing material may follow the property line.
- b. Steps, uncovered porches, decks, or similar features may project into any yard. Such features three and one-half (3½) feet or higher shall include reasonably appropriate railings.
- c. Cornices, canopies, eaves, pilasters, sills, chimneys or other architectural features may project into any yard a distance not exceeding three (3) feet.

32.04 HEIGHT LIMIT EXCEPTIONS

- a. The height limits of this Resolution shall not apply to agricultural buildings or structures; and shall also not apply to churches, schools, hospitals and such public buildings as libraries, museums, fire stations, or administrative facilities provided that for each two (2) feet by which the height of such building exceeds the maximum height otherwise permitted in the district its side and rear yards shall be increased by one-half (1/2) foot over the side and rear yards otherwise required in the district.
- b. The height limitations shall not apply to church spires, belfries, cupolas and/or domes, fire towers, transmission towers, windmills, chimneys, smokestacks, flag poles, radio and television towers, water tanks, grain elevators, masts and aerials.

SECTION XXXIII

SPECIAL REGULATIONS

33.01 OFF-STREET PARKING

In all districts, every manufacturing, business, institutional, recreational, residential or any other non-agricultural use shall provide, at the time any building or structure is erected, enlarged, or increased in capacity or use, established off-street parking and loading spaces for motor vehicles in accordance with the requirements of this Section.

- a. Each off-street parking space shall have an area of not less than one hundred sixty (160) square feet exclusive of access drives or aisles and shall be of usable shape and condition. There shall be adequate provisions for ingress and egress to all parking spaces.
- b. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this Resolution.
- c. Off-Street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be measured from the nearest point of the building or structure that the parking facility is required to serve.
 1. For one and two-family dwellings on the same lot with the building they are required to serve.
 2. For uses other than those specified above, not more than five hundred (500) feet from the building or structure they are intended to serve.
- d. For the purpose of this Section, "floor area" in the case of offices, retail, or service types of uses shall mean the gross floor area used or intended to be used by clients or patients including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not include areas used principally for non-public purposes such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings, for toilets or restrooms, for utilities, or for dressing rooms, fitting, or alteration rooms.

In hospitals, bassinets shall not be counted as beds.

In churches and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one seat for the purpose of determining parking facilities under this Resolution.

SECTION XXXIII – SPECIAL REGULATIONS (Continued)

33.01 OFF-STREET PARKING (Continued)

- e. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses, computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use.
- f. Nothing in this Section shall be construed to prevent collective provision of off-street parking facilities for two or more buildings or uses; provided that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately; and, provided, also, that the requirements set forth in item 33.01 (c) of this Section as to maximum distances between parking facilities and buildings or uses served shall apply to each establishment participating in the collective provisions of parking.
- g. The number of off-street parking facilities required shall be as set forth in the following:
 - 1. Automobiles or Machine Sales and Service. 1 for each 800 square feet of floor area.
 - 2. Banks, Business and - Professional Offices. 1 for each 300 square feet of floor area.
 - 3. Churches and Schools 1 for each 8 seats in an auditorium or 1 for each 6 seats in places of worship or 1 for each 17 classroom seats, whichever is greater.
 - 4. Assembly Halls without fixed seats; Exhibition Halls, except Church Assembly Rooms in conjunction with Auditoriums. 1 for each 100 square feet of floor area used for assembly or dancing.
 - 5. Dwellings. 2 for each family or dwelling unit.
 - 6. Funeral Homes, Mortuaries. 4 for each parlor or 1 for each 50 square feet of floor area, whichever is greater.
 - 7. Furniture and Appliance Stores Household Equipment or Furniture Repair Shops, 1,000 square feet of floor area. 4 plus 1 for every 400 square feet of floor area over 1,600 square feet.
 - 8. Hospitals. 1 for each 2 beds.

SECTION XXXIII – SPECIAL REGULATIONS (Continued)

33.01 OFF-STREET PARKING (Continued)

- | | |
|---|--|
| 9. Hotels, Motels, Inns, Rooming Houses. | 1 for each bedroom. |
| 10. Libraries, Museums, or Galleries. | 1 for each 600 square feet of area. |
| 11. Manufacturing Plants, Research Testing Laboratories. | 1 for each 1,200 square or feet of area. |
| 12. Restaurants and Bars. | 1 for each 100 square feet of floor area. |
| 13. Retail Stores, Shops, etc. | 1 for each 200 square feet of floor area. |
| 14. Sanitariums, Convalescent Homes, Homes for the Aged. | 1 for each 6 beds. |
| 15. Auditoriums, Theaters, Assembly Halls. | 1 for each 6 seats. |
| 16. Wholesale Establishments or Warehouses. | 5 plus 1 for every 3,000 square feet of floor area over 5,000 square feet. |
| 17. In the case of a use not specifically mentioned above, the requirements for off-street parking facilities for a use which is so mentioned and to which said use is similar, as determined by the Zoning Inspector, shall apply. | |
- h. The parking of an unoccupied recreational vehicle in any accessory building or rear or side yard shall be permitted in any district provided no living quarters shall be maintained nor any business conducted in such recreational vehicle.
- i. In any district, the storage of more than one (1) unlicensed or inoperable motor vehicle for a period exceeding ninety (90) days shall be prohibited unless said vehicle(s) are totally enclosed within an accessory building.

SECTION XXXIII – SPECIAL REGULATIONS (Continued)

33.02 CONVERSION OF DWELLINGS

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Resolution. The occupancy resulting from such conversion shall comply with the requirements governing new construction in such district with respect to minimum lot width, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking.

33.03 ACCESSORY BUILDINGS OR STRUCTURES IN "R" AND "A" DISTRICTS

Non-agricultural accessory buildings in an "R" or "A" District shall be subject to the following requirements:

- a. No accessory building or structure shall be erected in any required yard other than a rear yard.
- b. No accessory building or structure shall occupy more than forty percent (40%) of the required rear yard.
- c. An accessory building or structure may not be erected less than five (5) feet from the side or rear lot line, and fifty-five (55) feet from the front lot line, except that in any Agricultural District it may be located not less than seventy (70) feet from the front lot line.
- d. The height of a non-agricultural accessory building or structure shall not exceed fifteen (15) feet, and the distance of such building from other principal buildings on the same or adjacent lot shall be at least ten (10) feet.

33.04 DRAINAGE

Lots shall be developed with due consideration to storm run-off. Storm water run-off onto adjoining property shall not be diverted or channelized so as to cause damage or increase liability to adjoining properties.

33.05 PONDS

Ponds shall be permitted as an accessory use in any "A" or "R" District, provided the plans, specifications, and construction of such pond shall be approved by the Zoning Inspector, following established criteria, and further provided that such pond shall not be located closer than seventy-five (75) feet from any lot line. The point of measurement shall be established at the high water line of the pond.

SECTION XXXIII – SPECIAL REGULATIONS (Continued)

33.06 PRIVATE SWIMMING POOLS

No private swimming pool shall be allowed in any "R" District except as an accessory use and unless it complies with the following conditions and requirements:

- a. The pool is intended and used primarily for the enjoyment of the occupants of the principal use of the property.
- b. The pool may not be located closer than fifteen (15) feet to any lot line of the property on which it is located.
- c. The swimming pool or the entire lot on which it is located shall be walled or fenced by a four (4) foot or higher structure so as to prevent uncontrolled access by children from the street or from adjacent properties.
- d. A permanent swimming pool shall be considered an accessory structure and subject to the requirements of Section 33.03 of this Resolution.

33.07 SIGNS AND OUTDOOR ADVERTISING

33.07.01 Permitted Signs in "R" Districts

Signs not larger than twelve (12) square feet in surface area shall be permitted within the R-1 or R-2 Zoning Districts provided the message the sign conveys is in direct relation to the use of the premises or the occupants therein. Such a permitted sign shall not require a zoning certificate.

33.07.02 Signs in "A", "B" and "M" Districts

All types of signs are permitted uses in "A", "B" and "M" Districts provided that all signs larger than twelve (12) square feet in surface area shall require a zoning certificate before being erected, constructed or replaced. Such signs shall be subject to the following conditions:

- a. Such signs, unless attached to an existing building, shall be located so that all portions of the sign are set back from the street or highway at least as far as the required front yard depth for a principal building in that district.
- b. No sign shall be constructed or situated in such a manner so as to obstruct clear vision from any highway intersection in any direction for a distance of two hundred fifty (250) feet.
- c. No sign larger than twelve (12) square feet in surface area shall be constructed or located closer than one hundred (100) feet from any front or side lot line of any parcel or lot in a "R" District.

SECTION XXXIII – SPECIAL REGULATIONS (Continued)

33.07.03 Measurement of Sign

For the purpose of this Resolution, the measurement of sign surface area shall include the faces of all display areas of the sign, not including bracing, framing and structured supports of the sign unless such support members are made a part of the message or face of the sign.

33.08 REGULATION OF AMUSEMENT ARCADES

33.08.01 The following regulations shall apply to amusement arcades as herein defined:

The purpose of Sections 33.08.01 through 33.08.06 inclusive of this Resolution is to promote the public health, safety and welfare by regulating amusement arcades where mechanically or electronically operated amusement devices are kept, operated, or maintained. It is further the intent of these Sections to coordinate the provisions of this Resolution with other local requirements governing the licensing and regulation of mechanical amusement devices in such a manner that, in the event of any conflict between the respective regulations, the more restrictive requirement or the more severe penalty shall prevail;

33.08.02 The following definitions shall apply in the interpretation of this Resolution:

- a. "Amusement Arcade" means a place of business within a building or any part of a building having more than five (5) mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, key, or token of value by payment of a fee;
- b. "Mechanical or Electronically Operated Amusement Device" means any machine, device or instrument, which by the payment of a fee or other things of value or by the insertion of a coin, plate, disc, slug, key or token, operates or may be operated as a game, contest or amusement and which contains no automatic pay-off device for the return of money, coins, tokens, or merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement device includes, but is not limited to, devices such as mechanical baseball, mechanical football, pinball machines, any table game or device commonly known as an electronic game, and other similar types of devices provided, however, that this definition is not intended to, nor shall it be construed to, include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices; and,

SECTION XXXIII – SPECIAL REGULATIONS (Continued)

33.08.02 The following definitions shall apply in the interpretation of this Resolution: (Continued)

- c. "Exhibitor" means any person owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used and exhibited in one's own place of business, irrespective of the ownership of such device.

33.08.03 Conditional Use Permit Required

No amusement arcade shall be established, operated or maintained in any place of business or on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Section 9.01 of this Resolution. In addition to said provisions, amusement arcades shall comply with the following conditional use criteria:

- a. Amusement arcades shall comply with the district regulations applicable to all properties in any zoning district in which they are located;
- b. Amusement arcades shall have an adult who is 18 years of age or older on the premises and supervising the amusement arcade at all times during its hours of operation;
- c. The interior of the amusement arcades shall provide a minimum area per coin-operated amusement device equal to the size of the device plus two (2) feet of area on each side plus an area of four (4) feet in front of the device;
- d. Prior to the issuance of a conditional use permit the applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes;
- e. If the place of business or premises for which an amusement arcade is proposed is a freestanding building, the application for the conditional use permit shall include an approvable exterior lighting plan;
- f. No amusement arcade may be established, operated or maintained in any place of business or on any premises which is within one thousand five hundred (1,500) feet of any adult entertainment business; and,
- g. The application for the conditional use permit shall be accompanied by a copy of the applicant's license to operate and exhibit amusement devices and a notarized statement that the applicant shall not permit any person 16 years of age or younger to operate any devices on the premises before 4:00 p.m. on days when school is in session.

SECTION XXXIII – SPECIAL REGULATIONS (Continued)

33.08.04 Zoning of Amusement Arcades

Amusement arcades shall be conditionally permitted uses only in the following districts:

- a. "B-1" Business District;
- b. "B-2" Business District; and,
- c. "M" Manufacturing District.

33.08.05 Maintenance of a Nuisance Prohibited

It shall be the obligation of the exhibitor of an amusement arcade to maintain peace, quiet and order in and about the premises. Failure to do so shall constitute a nuisance, which shall be a minor misdemeanor.

33.08.06 Restricted Access to Certain Minors

No amusement arcade exhibitor shall permit, on days when school is in session, any person 16 years of age or younger to operate any mechanical or electrically operated amusement device or to be or remain in an amusement arcade before 4:00 p.m. This provision does not apply to jukeboxes, mechanical musical instruments, or other mechanical amusement devices designed to be ridden such as mechanical horses, automobiles, and carrousel. Violation of this provision shall be a minor misdemeanor.

33.09 REGULATION OF ADULT ENTERTAINMENT BUSINESS

33.09.01 The following regulations shall apply to adult entertainment business as herein defined.

The purpose of Sections 33.09.01 through 33.09.04 inclusive of this Resolution is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of these Sections to regulate entertainment businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing churches, amusement arcades, parks and playgrounds within the township.

33.09.02 The following definitions shall apply in the interpretation of this Article:

- a. "Adult Entertainment Business" means an adult bookstore, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this Section;

SECTION XXXIII – SPECIAL REGULATIONS (Continued)

33.09.02 The following definitions shall apply in the interpretation of this Article:
(Continued)

- b. "Adult Book Store" means an establishment which utilizes fifteen percent (15%) or more of its retail-selling area for the purpose of retail sale or rental or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices or both, and books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on adult materials as defined in this Section;
- c. "Adult Motion Picture Theater" means an enclosed motion picture theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this Section;
- d. "Adult Motion Picture Drive-In Theater" means an open air drive-in theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this Section;
- e. "Adult Only Entertainment Establishment" means an establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this Section, or which features exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material;
- f. "Adult Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch; and,
 - 1. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or,
 - 2. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination;
- g. "Bottomless" means less than full opaque covering of male or female genitals, pubic area or buttocks;

SECTION XXXIII – SPECIAL REGULATIONS (Continued)

33.09.02 The following definitions shall apply in the interpretation of this Article:
(Continued)

- h. "Nude or Nudity" means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full opaque covering of any portion thereof, or female breast(s) with less than a full opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernable turgid state;
- i. "Topless" means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple;
- j. "Sexual Activity" means sexual conduct or sexual contact, or both;
- k. "Sexual Contact" means 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; and,
- l. "Sexual Excitement" means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

33.09.03 Conditional Use Permit Required

No building shall be erected, constructed or developed, and no buildings or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by the issuance of a conditional use permit in accordance with the provisions of Section IX of this Resolution. In addition to said provisions, an adult entertainment business shall comply with the following conditional use criteria:

- a. Adult entertainment business shall comply with the district regulations applicable to all properties in any district in which they are located;
- b. No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of another adult entertainment business;
- c. No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of any church, any public or private school, any park, any playground, any social service facility or neighborhood center;
- d. No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of any residence or boundary of any residential district; and,
- e. No adult entertainment business shall be permitted in a location which is within one thousand five hundred (1,500) feet of any boundary of any residential district in a local unit of government abutting the township.

SECTION XXXIII – SPECIAL REGULATIONS (Continued)

33.09.04 Zoning of Adult Entertainment Business

Adult entertainment businesses shall be conditionally permitted in accordance with the following schedule:

<u>Conditionally Permitted use/Wherein</u>	<u>Districts Permitted</u>
Adult Book Store	Manufacturing District
Adult Motion Picture Theater	Manufacturing District
Adult Motion Picture Drive-In Theater	Manufacturing District
Adults Only Entertainment Establishment	Manufacturing District

33.10 REGULATION OF MASSAGE ESTABLISHMENTS

33.10.01 The following regulation shall apply to massage establishments as herein defined:

The purpose of Sections 33.10.01 through 33.10.06 inclusive of this Resolution is to promote the public health, safety and welfare through the regulation of massage establishments. It is the intent of these Sections to regulate massage establishments, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing churches, amusement arcades, parks and playgrounds within the township.

33.10.02 The following definitions shall apply in the interpretation of this Article:

- a. "Massage" means any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external soft tissue of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance;
- b. "Massage establishment" means any fixed place of business where a person offers massages in exchange for anything of value or in connection with the provision of another legitimate service;
- c. "Masseur" or "Masseuse" means any individual who performs massages at a massage establishment;
- d. "Out-call massage service" means any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment;

SECTION XXXIII – SPECIAL REGULATIONS (Continued)

33.10.02 The following definitions shall apply in the interpretation of this Article:
(Continued)

- e. "Employee" means any and all persons, other than the massage technician, who render any service to the operator and who receive compensation directly from the operator;
- f. "Person" means any individual, co-partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character;
- g. "Operator" means the person in whose name the permit is issued for a massage establishment; and,
- h. "Sexual or genital area" means the genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.

33.10.03 Exemptions

This Article, as the regulation of massage establishments, masseur or masseuse, shall not be construed to regulate the practice of any limited branch of medicine or surgery in accordance with Sections 4731.15 and 4731.16 of the Ohio Revised Code or in such statute as it may hereafter be amended, nor the practice of providing therapeutic massage by a licensed physician, licensed chiropractor, a licensed podiatrist, or a licensed nurse. As used in this Section, "licensed" means licensed, certified, or registered to practice in the State of Ohio.

33.10.04 Application for Conditional Use Permit: Contents, Fee, Expiration of Permit

The application for a conditional use permit to operate a massage establishment shall be made to the Board of Zoning Appeals and shall include the following:

- a. An initial, non-refundable filing fee and an annual non-refundable renewal fee will be charged pursuant to the adopted schedule of fees;
- b. A health and safety report of an inspection of the premises performed within thirty (30) days of the application to determine compliance with applicable health and safety codes, which inspection shall be performed by appropriate state or local authorities acting pursuant to an agreement with the Board of Zoning Appeals;
- c. The full name and address of any person applying for a permit, including any partner or limited partner of a partnership applicant, or any officer or director of a corporate applicant, and any stock holder holding more than two (2) percent, along with the social security number of each individual and the federal identification number of any partnership or corporation;

SECTION XXXIII – SPECIAL REGULATIONS (Continued)

33.10.04 Application for Conditional Use Permit: Contents, Fee, Expiration of Permit (Continued)

- d. Authorization for an investigation into the criminal record of any person applying for a permit; and,
- e. Any other information determined by the Board of Zoning Appeals to be necessary.

33.10.05 Conditional Use Permit Required

No building shall be erected, constructed or developed, and no buildings or premises shall be reconstructed, remodeled, arranged for use or used for any massage establishment unless authorized by the issuance of a conditional use permit in accordance with the provisions of Section 9.01 of this Resolution. In addition to said provisions, a massage establishment shall comply with the following conditional use criteria:

- a. Massage establishment shall comply with the district regulations applicable to all properties in any district in which they are located;
- b. No massage establishment shall be permitted in a location which is within one thousand five hundred (1,500) feet of another massage establishment;
- c. No massage establishment shall be permitted in a location which is within one thousand five hundred (1,500) feet of any church, any public or private school, any park, any playground, any social service facility or neighborhood center;
- d. No massage establishment shall be permitted in a location which is within one thousand five hundred (1,500) feet of any residence or boundary of any residential district; and,
- e. No massage establishment shall be permitted in a location which is within one thousand-five hundred (1,500) feet of any boundary of any residential district in a local unit of government abutting the township.

33.10.06 Zoning of Massage Establishment

Massage establishment shall be conditionally permitted in accordance with the following schedule:

<u>Conditionally Permitted use</u>	<u>Districts Wherein Permitted</u>
Massage Establishment	Manufacturing District

33.11 REGULATION OF ACTIVITIES ASSOCIATED WITH THE EXTRACTION OF NATURAL RESOURCES

33.11.01 General Requirements: Any owner, lessee or other person, firm or corporation having an interest in mineral lands in any District may file with the Board of Zoning Appeals an application for authorization to mine minerals therefrom provided, however, that said person shall comply with all requirements of the District in which said property is located, and with the following additional requirements:

- a. Distance from Property Lines: No quarrying operation shall be carried on or any stock pile placed closer than fifty (50) feet to any property line unless a greater distance is deemed necessary for the protection of adjacent property provided that this distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of the abutting property;
- b. Distance from Public Right-of-Way: In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way;
- c. Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board of Zoning Appeals such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Board of Zoning Appeals;
- d. Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment; and,
- e. Processing: The crushing, washing and refining or other similar processing may be authorized by the Board of Zoning Appeals as an accessory use provided that such accessory processing shall not be in conflict with the use regulations or the District in which the operation is located.

33.11.02 Applicant - Financial Ability: In accepting such plan for review, the Board must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted.

33.11.03 Application - Contents, Procedures: An application for such operation shall set forth the following information:

- a. Name of the owner or owners of land from which removal is to be made;

SECTION XXXIII – SPECIAL REGULATIONS (Continued)

33.11.03 Application - Contents, Procedures: An application for such operation shall set forth the following information: (Continued)

- b. Name of applicant making request for such permit;
- c. Name of the person or corporation conducting the actual removal operation;
- d. Location, description and size of the area from which removal is to be made;
- e. Location of processing plant used;
- f. Type of resources or materials to be removed;
- g. Proposed method of removal and whether or not blasting or other use of explosives will be required;
- h. Description of equipment to be used; and,
- i. Method of rehabilitation and reclamation of the mined area.

33.11.04 Public Hearing: Upon receipt of such application, the Board shall set the matter for a public hearing following the procedures as shown in Article IX, Section 9.02.

33.11.05 Rehabilitation: To guarantee the restoration, rehabilitation, and reclamation of the mined-out area, every applicant granted a mining permit, as herein provided, shall furnish a performance bond running to the Township in an amount of not less than \$1,000 and not more than \$10,000 as a guarantee that such applicant in restoring, reclaiming and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board meet the following minimum requirements:

- a. Surface Rehabilitation: All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with nonnoxious, nonflammable and noncombustionable solids, or ensure:
 - 1. That the excavated area shall not collect nor permit to remain therein stagnant water; or,
 - 2. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

33.11.05 Rehabilitation: (Continued)

SECTION XXXIII – SPECIAL REGULATIONS (Continued)

- b. Vegetation: Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinabove provided; and,
- c. Banks of Excavations not Backfilled: The banks of all excavations not backfilled shall be sloped to the waterline at a slope not less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.

33.11.06 Additional Requirements: In addition to the foregoing, the Board may impose such other conditions, requirements or limitations concerning the nature, extent of the use and operation of such mines, quarries or gravel pits as the Board may deem necessary for the protection of adjacent properties and the public interest. The said conditions and the amount of the performance bond shall be determined by the Board prior to issuance of the permit.

33.11.07 Compliance with all applicable laws of the State of Ohio.

33.11.08 Gas and Oil Wells: In any and all districts of the Township a well may be drilled for the exploration for or production of natural oil or gas only after or when the following conditions have been complied with:

- a. Compliance with all applicable laws of the State of Ohio; and,
- b. No tanks or reservoirs erected or intended for the storage of petroleum products shall be located within fifty (50) feet of any public right-of-way or within one hundred (100) feet of a residential lot line.

SECTION XXXIV

PROHIBITED USES

34.01 INTENT

The intent of this section is to state those uses of land which are deemed to be a nuisance and which are not permitted within any zoning district in the Township.

34.02 USES PROHIBITED

The following uses shall be deemed to constitute a nuisance and shall not be permitted in any district:

- a. Junkyards as defined and regulated in the Ohio Revised Code including establishments which process iron, steel, or nonferrous scrap and any places for the collection of scrap metal, used timber, rubber, paper, rags, glass or junk for sale, salvage or storage purposes.
- b. The exposed storage of one (1) or more unlicensed and inoperative motor vehicle(s), excluding vehicle(s) primarily intended for agricultural uses, for more than ninety (90) days.
- c. The dismantling of used vehicles for sale, salvage or storage purposes.
- d. Slaughter houses.
- e. Distilling of bones, fat, or glue; or glue or gelatin manufacturing.
- f. Garbage feeding of swine and poultry.
- g. Racetrack for vehicles or animals.
- h. Dumping, storing, burying, landfilling, reducing, disposing of or burning garbage, refuse, scrap metal, rubbish, used timber and rubber, offal or dead animals, unless such disposal is done at a place and in a manner provided by the Township Trustees for such specified purpose.
- i. Livestock or poultry shall not be permitted in an "R-1" or "R-2" District on lots of less than one (1) acre.

SECTION XXXIV – PROHIBITED USES (Continued)

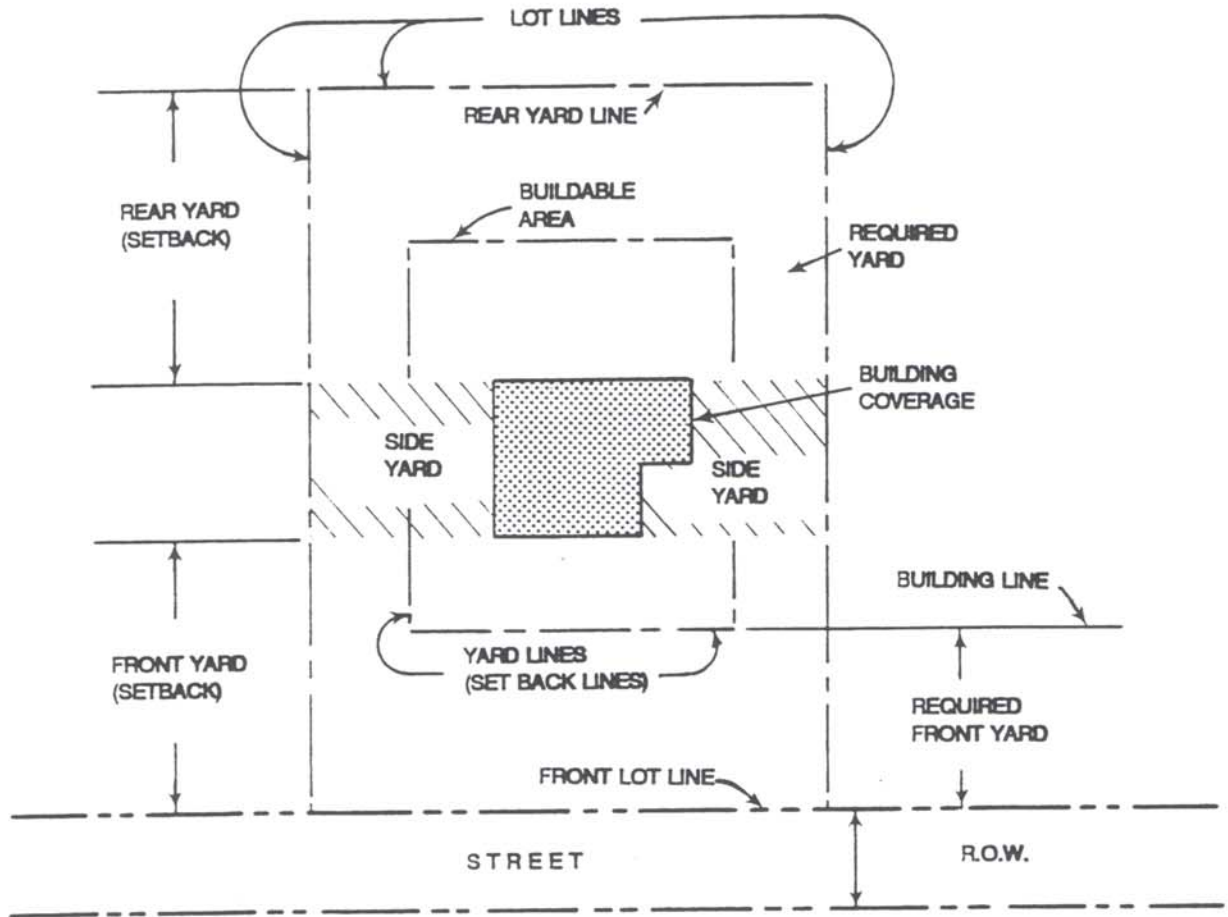
34.03 VIOLATIONS AND PENALTIES

It shall be unlawful to locate, construct, or operate any of the uses prohibited herein in violation of the provisions of this Resolution or any amendments hereof. Any person, firm, or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100.00 (One hundred) dollars. Each day of any such violation shall constitute a separate offense. In addition to any other remedies provided by law, the Township Trustees, the County Prosecutor, the Zoning Inspector, or any adjacent or neighboring land owner who is or may be damaged by such violation may institute an appropriate action or actions in any Court of Law having jurisdiction to prevent such unlawful uses or to restrain, correct, or abate any violation of this section.

APPENDIX A

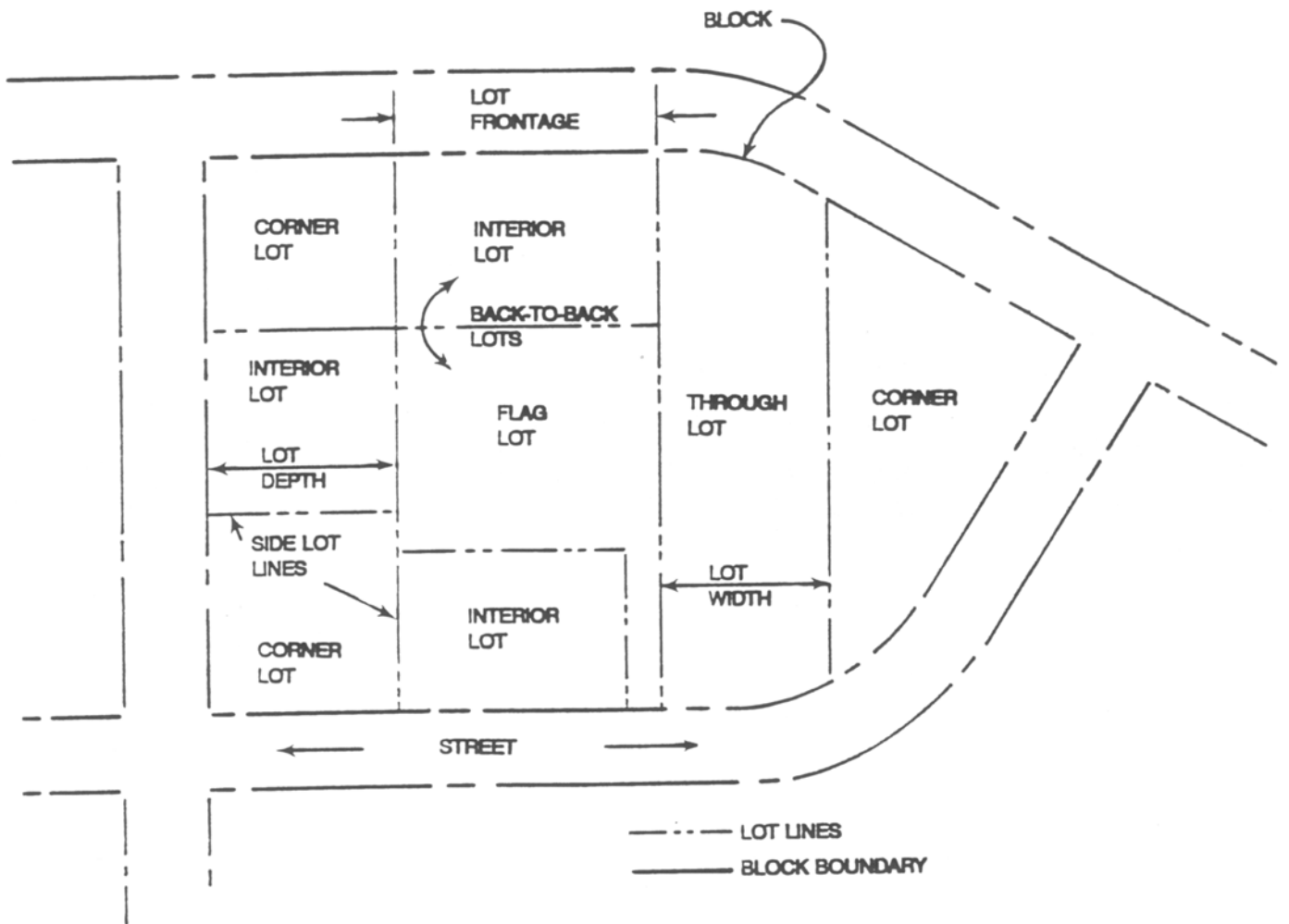
Appendix is provided for illustration/information purposes only. Please see Township Zoning Inspector for complete details/specifications.

ILLUSTRATION A: SETBACK DIMENSIONS



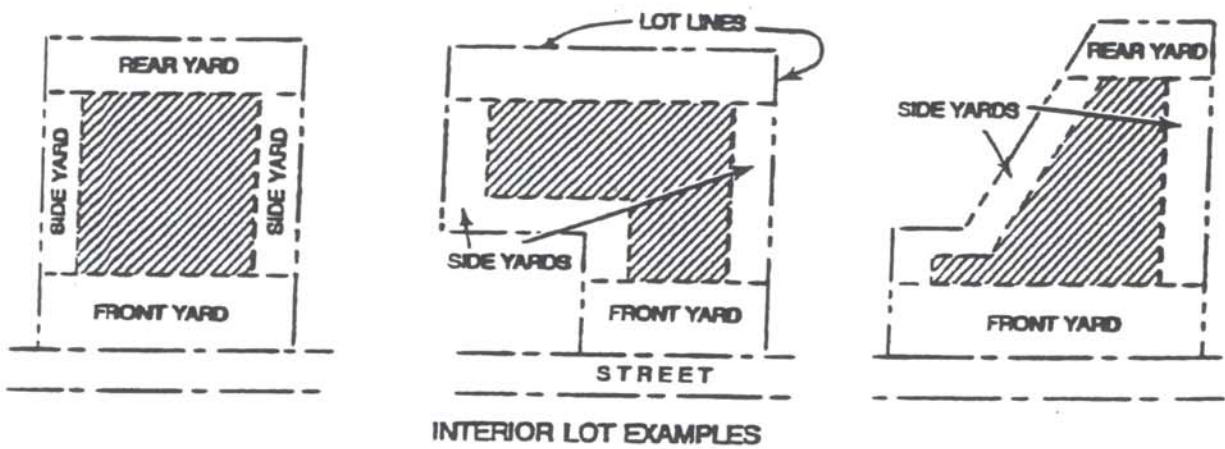
(For informational purposes only.)

ILLUSTRATION B: LOT TYPES



(For informational purposes only.)

ILLUSTRATION C:
ODD SHAPED LOT EXAMPLES

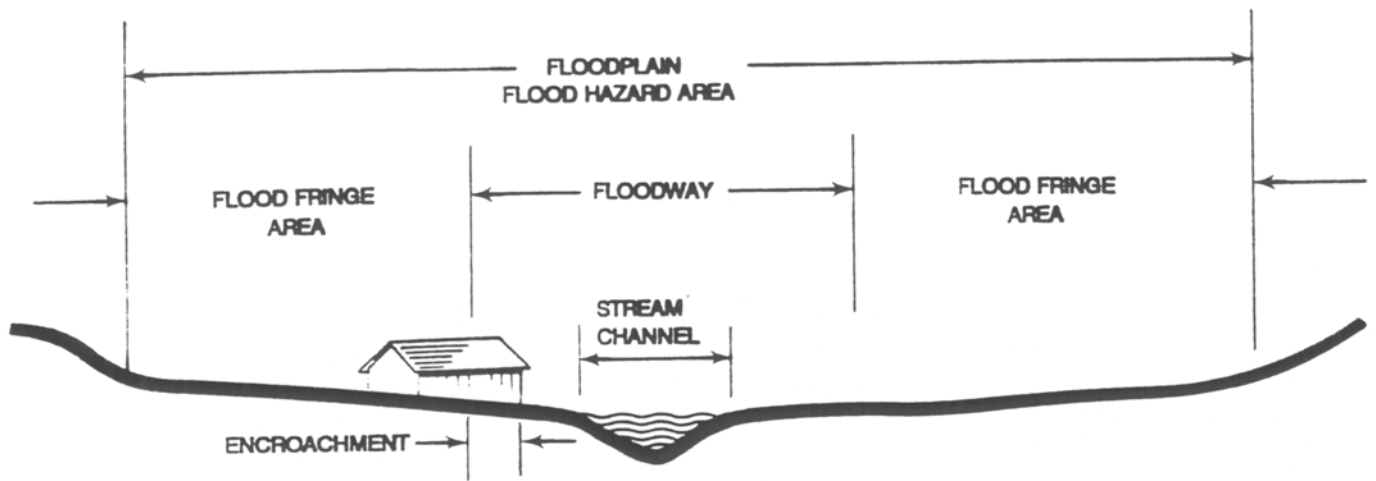


REQUIRED YARDS



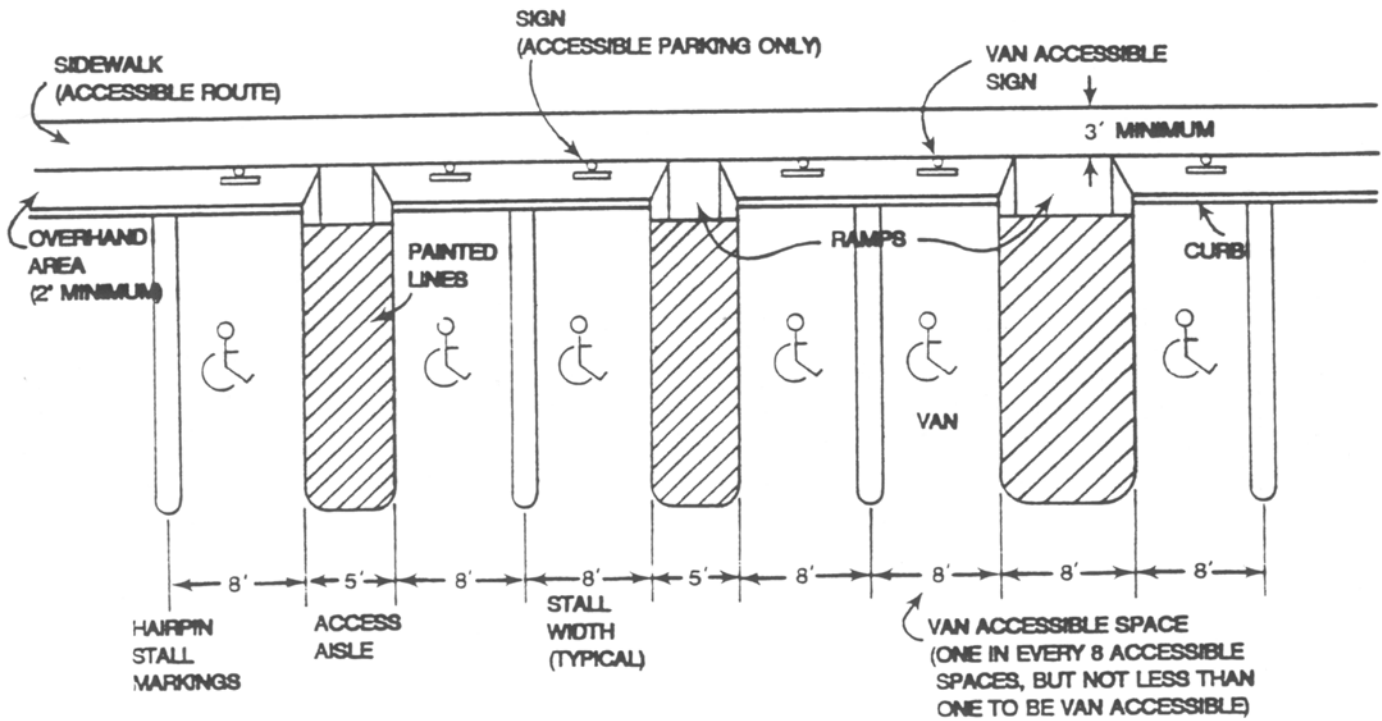
(For informational purposes only.)

ILLUSTRATION D:
FLOODPLAIN CROSS-SECTION



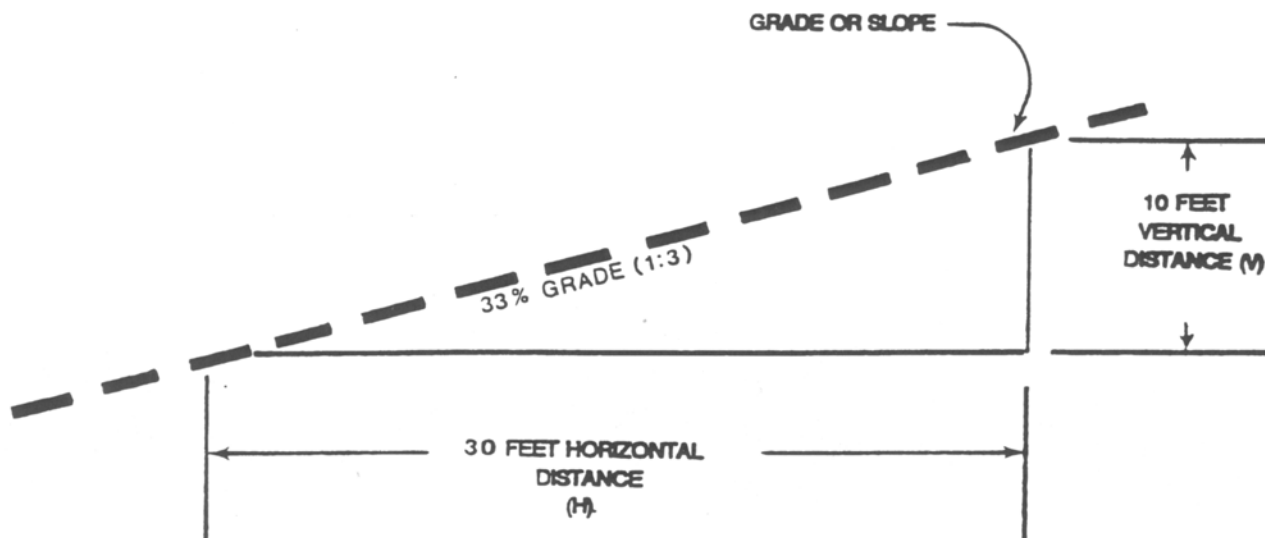
(For informational purposes only.)

ILLUSTRATION E:
ACCESSIBLE PARKING SPACE STANDARDS



(For informational purposes only.)

ILLUSTRATION F:
DETERMINATION OF SLOPE

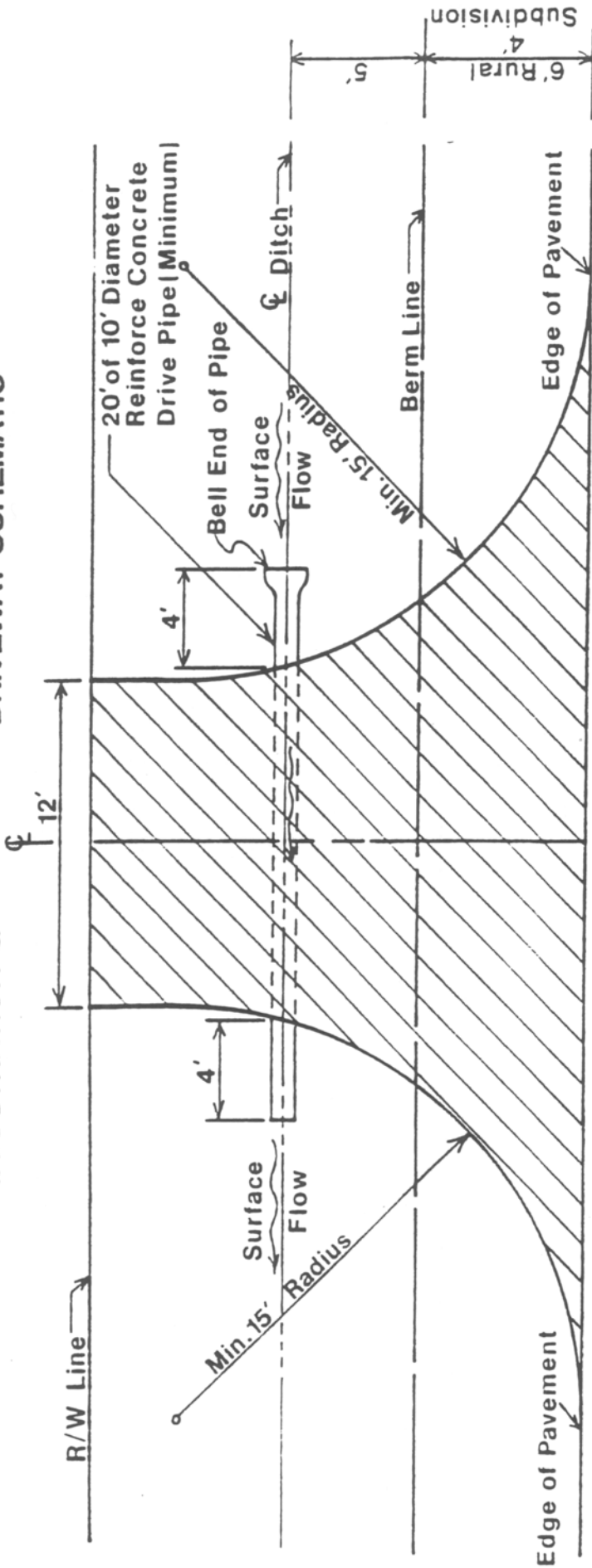


SLOPE CALCULATION = $\frac{V}{H}$
(DEGREE OF SLOPE = TANGENT OF $\frac{V}{H}$)

(For informational purposes only.)

DRIVEWAY SCHEMATIC

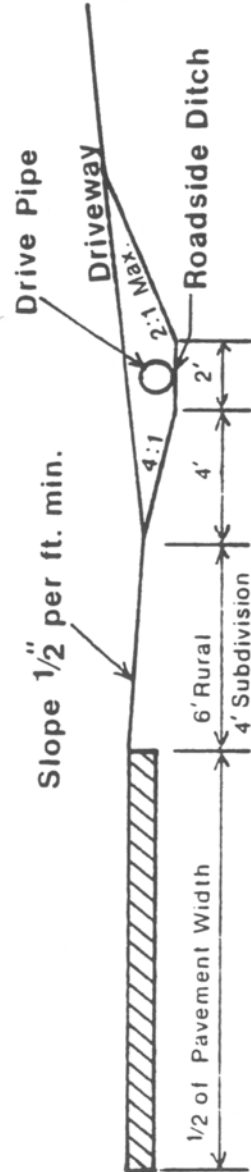
ILLUSTRATION G:



Note:

Roadside Ditch Shall Not Be Filled In

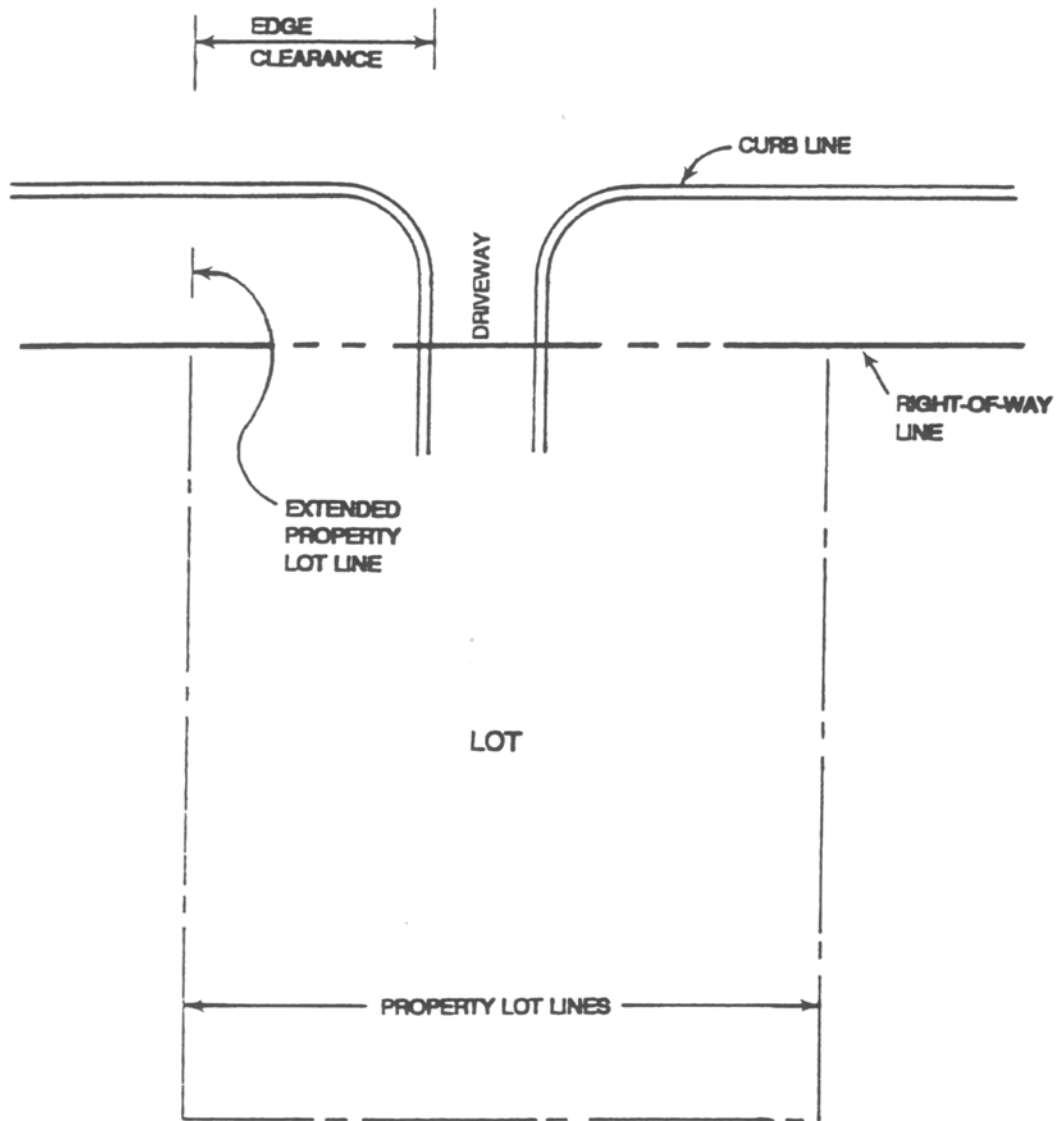
PLAN



ELEVATION

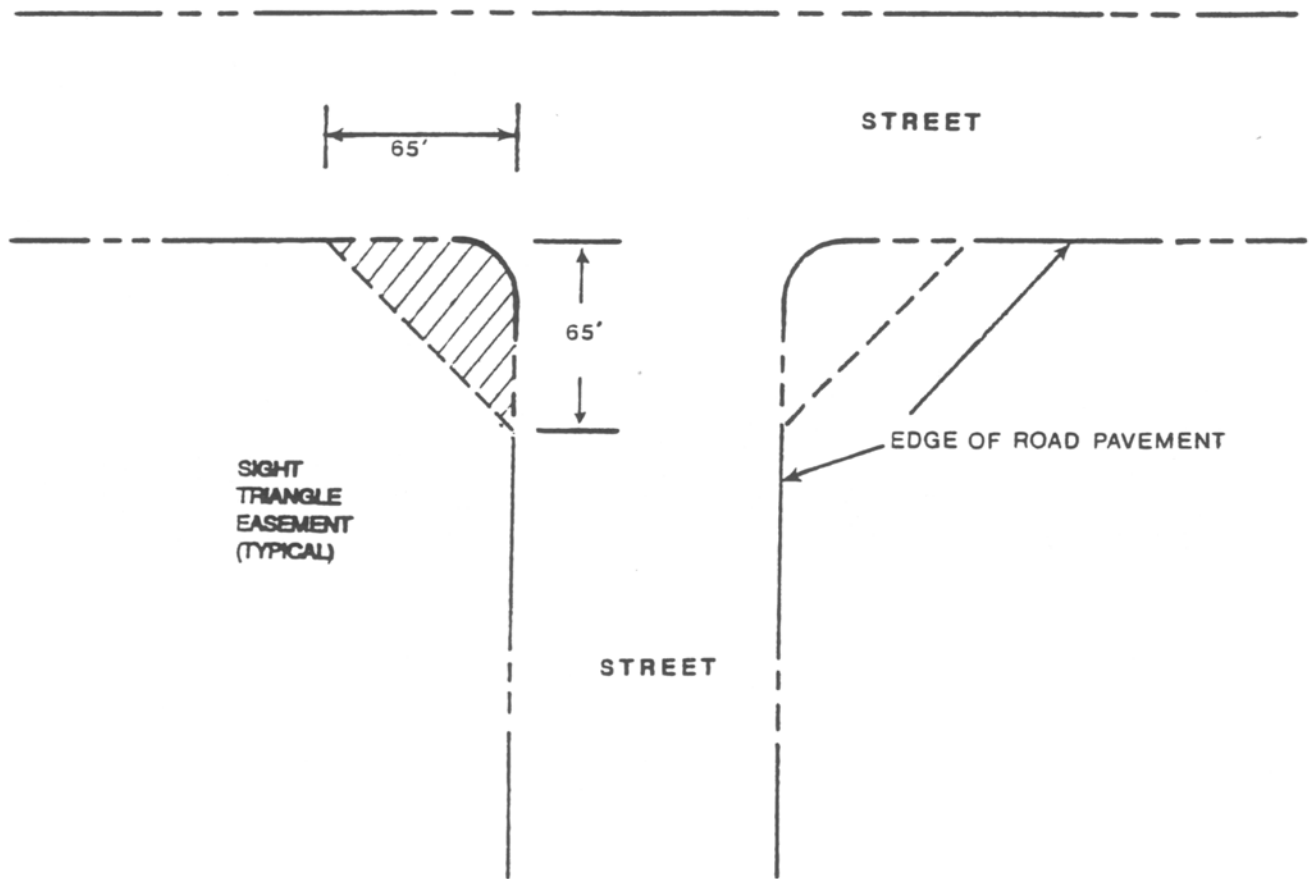
(For informational purposes only.)

ILLUSTRATION H:
EDGE CLEARANCE



(For informational purposes only.)

ILLUSTRATION I:
SIGHT TRIANGLE EASEMENT



(For informational purposes only.)

CERTIFICATION

The Sugar Creek Township Zoning Commission hereby certifies that the foregoing proposed Resolution constitutes the text of its recommendations for a zoning plan.

Dated: June 27, 1988

/s/ George Miller

/s/ Mary Doerter

/s/ Dale Jostville

/s/ Robert Fogt

/s/ Ken Studer

SUGAR CREEK TOWNSHIP ZONING

COMMISSION

Adopted by the Board of Trustees:

Dated: Aug. 1, 1988

/s/ Thomas E. Miller

/s/ Carl M. Vandemark

/s/ John H. Renner
SUGAR CREEK TOWNSHIP,
BOARD OF TOWNSHIP TRUSTEES

AMENDMENTS:

- March 15, 1993
- July 19, 1994
- Jan. 15, 1997
- Apr. 25, 1997
- Jan. 8, 1998