

**Sagamore Hills Township
COMMERCIAL DISTRICT**

This entire section reviewed and approved by Resolution 15-21 Adopted 5-11-15
Effective 6-9-15

Section 5.0 Commercial District

5.1 Purpose

Whereas, The Trustees of the Township of Sagamore Hills, Ohio have adopted a Comprehensive Plan of the Zoning for the Township; Whereas, The Trustees of the Township of Sagamore Hills, Ohio find it necessary to complete a comprehensive plan and to promote the public health, safety, morals and welfare of Sagamore Hills Township. Therefore, The Trustees of the Township of Sagamore Hills, Ohio enact the following provisions on commercial uses within the Township.

5.2 Uses

Within a “C” Commercial District, all buildings, structures, or premises shall be used only for one or more of the following uses:

A. Permitted Uses

1. Administrative, business and finance office or organizations.
2. Art, photo, stationery, notions, toy, book, music and gift sales. Souvenirs or souvenir orientated material shall not exceed five (5) percent of total display area.
3. Banks or financial institutions where drive-in facilities are incidental to the operation of the facilities.
4. Barber or beauty shops.
5. Clothing, apparel, shoe and variety store. Souvenirs or souvenir orientated material shall not exceed five (5) percent of total display area.
6. Dry cleaning and laundry in which no work shall be done on the premises for retail outlets elsewhere.
7. Florist and gift shop. Souvenirs or souvenir orientated material shall not exceed five (5) percent of total display areas.

8. Grocery store.
9. Hardware, paint, floor coverings, wall paper, materials and objects for interior decorating, outdoor accessories and repair of household items.
10. Jewelry store.
11. Professional offices such as medical, dental, legal, engineering, realtor, accounting and such.
12. Retail sales of furniture, appliances and other major household articles.
13. Shoe repair store.
14. Tailor and dressmaker shops.
15. Amusement and recreational uses such as a bowling alley or theater, but excluding drive-in theaters and other drive-in uses such as miniature golf and driving ranges.
16. Non-paid off-street parking lot.
17. Indoor bicycle sales, service and/or rentals.
18. Restaurants
19. Sidewalk sales as a temporary extension of an already permitted commercial use.
 - (Amended 6-13-18 – Added #19 (a. thru i.) Sidewalk Sales to Zoning Resolution)
 - a. Sidewalk sales shall not require a formal permit or fee but shall require registration (form provided online) of such sale by the proprietor with the Township, either online or in person at the Township office, before the sidewalk sale commences.
 - b. No more than four (4) sidewalk sales shall be conducted per year.
 - c. The sidewalk sale shall not continue for more than forty-five (45) continuous days, including weekends.
 - d. Sidewalk sales shall not run back-to-back from one sale to the next without a separation of at least 30 days.

- e. No temporary signs advertising a sidewalk sale shall be allowed, either at the street or place of business of the sidewalk sale.
- f. No flags, pennants, balloons, lights, canopy, tents, feather signs, sock signs, air dancers or fan powered inflatables or the like shall be permitted.
- g. The items displayed on the sidewalk shall be items that are normally sold in the store itself and shall be displayed on the sidewalk immediately in front of the business.
- h. The sale items shall not occupy the entire depth of the sidewalk so that pedestrian traffic is not impeded on the sidewalk or vehicle traffic in the parking lot or drive lanes.
- i. Food establishments that have a liquor license shall still meet the state requirements for outdoor sales.

B. Conditionally Permitted Uses

The Board of Zoning Appeals may issue conditional zoning certificates for uses listed herein subject to the general requirements of Section 12.5 and to the specific requirements of the regulations of Section 5.99 referred to below.

- 1. Drive-in banking facilities subject to regulations of Section 5.99
- 2. Churches and other buildings for the purpose of religious worship and training, subject to approval of the site plan as follows:
 - a. **Structures and activity area** including loading and facilities (other than off-street parking) shall be located at least seventy-five (75) feet from the street right-of way.
 - b. **All points of ingress and egress** shall be located at least two hundred (200) feet from all major road intersections and at least one hundred (100) feet from all local or minor street intersections. All state and county highways shall be considered major streets.
 - c. **Lighting** shall not create a nuisance and shall in no way impair safe movement of traffic on any street or highway. No light shall shine directly on adjacent property. No strings of open light bulbs shall be permitted. Exposed light bulbs except for those

used in holiday decoration shall be prohibited.

- d. **All structures** shall be located so as to have access to a dedicated street.
 - e. **Minimum lot size** shall be ten (10) contiguous acres.
3. Government owned and/or operated building or facility subject to regulations of Section 5.99.
 4. Vehicle service stations subject to the following:
 - a. **Vehicle service stations** shall be located no closer than five thousand (5000) feet from any other service station.
 - b. **Lighting** shall in no way impair safe movement of traffic on any street or highway. No light shall shine directly on adjacent property. No strings of open light bulbs shall be permitted. Exposed light bulbs except for those used in holiday decoration shall be prohibited.
 - c. **Location** shall be on major thoroughfares or at intersections of major and/or collector thoroughfares.
 - d. **Site locations** should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into an area. Further site selection should be compatible to the surrounding area and the following factors should be considered for site selection:
 - (1) Appearance of proposed station.
 - (2) Existence of nearby service stations.
 - (3) Character of surrounding land.
 - (4) Proximity to residential uses.
 - (5) Distance from places of public assembly.
 - e. Such uses shall be permitted under the following conditions:
 - (1) Provided that such facilities be located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores

in the complex and provided, further, that it would not limit expansion of the pedestrian-oriented facilities.

- (2) No more than two (2) driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty (30) feet in width at the property line.
 - (3) If the property fronts on two or more streets, the driveways shall be located as far from the street intersections as is practical.
 - (4) At least a six (6) inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.
 - (5) The rental, leasing, storage or permitting of parking of any vehicles such as trailers or tools, except for servicing and/or emergency purpose shall not be permitted.
 - (6) All signs, streamers, announcements, flags and other attention and/or advertising devices not specifically permitted under Regulation 15.0 hereof, shall have the prior and temporary approval of the Board of Zoning Appeals before installation or use.
- f. Outside storage of dismantled, wrecked, inoperative, or unlicensed motor vehicles shall be permitted for a period not exceeding 45 days.
5. Temporary buildings for uses incidental to construction work subject to regulations of Section 5.99.
 6. Auto wash subject to regulations of Section 5.99.
 7. Uses such as galleries and garden shops, subject to regulations of Section 5.99. (Amended 6-13-18)
 8. Food establishments which provide drive in service, drive thru service or fast food service.
 9. Stores for the preparation and processing of food and drink to be retailed on premises including bakery, delicatessen, meat market, confectionary, ice cream parlor and soda fountain.

10. Quasi-public institution, organization or meeting facilities for non-profit use such as those developed and used by the YMCA-YWCA, Boy scouts, or various fraternal or community service groups.
 - a. All activities, programs and other events shall be adequately and properly supervised so as to prevent any hazard, disturbance or nuisance to surrounding properties, residents, or to the community.

11. Sporting good stores subject to:
 - a. Sale of powered recreational vehicles shall be incidental to the total sales of the store, such incidental sales not to exceed ten (10) percent of total sales volume.
 - b. Outdoor displays of powered recreational vehicles shall be prohibited.

12. Motels.

13. Cultural and educational facilities.

14. Laundromats.

15. Hospitals, including training and teaching facilities.

16. Funeral Homes.

17. Automobile dealership to include light trucks.

18. Paid off-street parking lot, deck and garages.

19. Veterinary Offices or Veterinary Hospital.

20. Senior Living, Senior Care and Continuing Care Communities (Senior Living, Senior Care and Continuing Care Communities Replaces Section 20 (Assisted Living) by Resolution 18-44 Adopted 11-13-18 Effective 12-13-18)
 - a. Senior Living, senior care and continuing care communities may consist of:
 - (1) Independent Living Facilities
 - (a) Individual Active Senior Units
 - (b) Independent Living without Amenities
 - (c) Independent Living with Amenities

- (2) Residential Care Facilities
 - (a) Assisted Living
 - (b) Alzheimer's/Memory Care
- (3) Skilled Nursing Facilities
 - (a) Alzheimer's/Memory Care
 - (b) Hospice
 - (c) Rehabilitation
- (4) Senior Living Residential Units (hereinafter referred to as "SLRU") (Approved 10-26-21 Res. 21-54 Effective 11-25-21)
- (5) Adult Day Care Facilities
- (6) Community, Dining, Retail, and Recreational Facilities, whose primary purpose is to serve the residents of the senior community.
- (7) General Purpose/Maintenance Facilities

b. Development Area:

- (1) Any combination of Residential Care Facilities, Skilled Nursing Facilities and Adult Day Care Facilities shall require a 10 (ten) acre minimum lot.
- (2) Any combination of Residential Care Facilities, Skilled Nursing Facilities, Adult Day Care Facilities, and Independent Living with or without Amenities shall require a 15 (fifteen) acre minimum lot.
 - (a) Each building shall be connected to the community center, food service, recreational facilities and related facilities as may be constructed for this use of this development by porches, roofs, overhangs and sidewalks.
- (3) Continuing Care Communities, consisting of any combination of Residential Care Facilities, Skilled Nursing Facilities, Adult Day Care Facilities, Independent Living with or without Amenities and Individual Active Senior Units shall require a minimum 20 (twenty) acre lot.
 - (a) Individual active senior living units may comprise up to 20% (twenty percent) of the total units of the development.
 - (b) Individual active senior living units may have no more than 3 (three) units attached to each other. Each individual unit shall contain a two-car garage, and 2 (two) spaces in front of each garage for guest parking.
 - (c) Individual active senior living units shall consist of a minimum of 750 (seven-hundred-fifty) square feet plus the two-car garage.

(d) Individual active senior living units may have up to two bedrooms.

(e) One building containing a community center, food service, recreational facilities and related facilities may be constructed for use in this development.

(4) SLRU shall require a minimum of a twenty-five (25) acre lot. (Approved 10-26 21 Res. 21-54 Effective 11-25-21)

(a) Senior housing may be solely constructed with SLRU on parcels of twenty-five (25) acres or greater and meet the federal standard of age restricted housing of aged fifty-five (55) years old and older.

(b) Dwelling units may be constructed as single-family detached units or in attached groups of units not greater than six (6) units per building. At least three (3) different groupings of attached/detached units (i.e., one-unit, two-units, three-units, and up to six-units) shall be constructed as approved on the Site Plan. No more than thirty-five percent (35%) of the total number of buildings shall have the same number of units.

(c) Individual units shall consist of a minimum of 750 (seven-hundred-fifty) square feet of living space plus a garage.

(d) All individual units shall have an attached garage. Not more than twenty-five percent (25%) of the individual units shall be one car garages. At least seventy-five percent (75%) of the individual units shall have two car garages.

(e) Individual units may have up to two bedrooms.

(f) Dwelling Units. Single floor units shall predominate. Not more than thirty (30%) percent of dwelling units may have two floors.

(g) The development shall have a diversity of exterior features sufficient to promote interest and wayfinding.

(h) Deed Restriction Required. At the time of Site Plan submittal, a draft deed restriction shall be submitted restricting occupancy to Senior Housing as defined by the Township Resolution and in compliance with federal law. The deed restriction shall establish the Township as a third-party beneficiary of such restriction having enforcement rights including injunctive relief. Filing of the deed restriction shall occur upon the approval of the final development plan and prior to the issuance of a zoning permit.

- c. Open Space: At least 40% (forty percent) of the land within the development shall be preserved as open space on which no building, structure, roads or parking areas shall be located. Land occupied by gazebos, ponds, or outdoor recreational facilities shall be considered open space.
 - (1) Disturbed Open Space may make up to 60% (sixty percent) of the required open space. (Approved 10-25-21 Res. 21-54 Effective 11-25-21)
 - (2) Undisturbed Open Space shall make up at least 40% (forty percent) of the required open space.

Open Space within SLRU. To promote diverse exterior features, one-story units and Open Space within SLRU shall be modified such that at least forty percent (40%) of the land within a SLRU shall be Open Space. At least twenty percent (20%) of the total Open Space shall be Undisturbed Open Space (such as existing woodlands, watercourses, or open fields) in a location (or locations) and configuration selected for preservation of the existing vegetation or other natural features. Contiguity of all Open Space is preferred to provide significant natural areas for preservation. (Approved 10-26-21 Res. 21-54 Effective 11-25-21)

- d. Units per acre: Senior living, senior care and continuing care communities shall have a maximum of 15 (fifteen) units per development acre. SLRU shall have a maximum of 4.5 units per development acre. (Approved 10-26-21 Res. 21-54 Effective 11-25-21)

- e. Minimum Yard and Buffer Requirements:
 - (1) No building shall be erected closer than 100 (one-hundred) feet to the centerline of a dedicated road.
 - (2) There shall be a 100 (one-hundred) foot minimum lot width at dedicated street lines.
 - (3) Buffers to any other district shall be 75 (seventy-five) feet. Consideration is to be given for a minimum of 10 (ten) feet of landscaping at the lot line when the property is adjacent to another district. Buffers to the same district shall be a minimum of 20 (twenty) feet. No building shall be less than 20 (twenty) feet to another building.

- f. Maximum Height Requirement: 35 (thirty-five) feet and 3 (three) stories.

- g. Minimum Parking Requirements:
 - (1) Independent Living Facilities
 - (a) Individual Active Senior Units: 2 (two) attached garage spaces plus 2 (two) additional spaces in

front of each garage for guest parking.

(b) Independent Living Units without Amenities: 1.25 (one and a quarter) spaces per unit.

(c) Independent Living with Amenities: 0.75 (three-quarter) space per unit plus 1 (one) space for every staff member on the largest shift.

(2) Residential Care Facilities

(a) 1 (one) space for every 2 (two) units

(b) 1 (one) space for every staff member on the largest shift.

(3) Skilled Nursing Facilities

(a) 0.3 (one-third) space for every unit

(b) 1 (one) space for every staff member on the largest shift.

(4) Adult Day Care Facilities

(a) 1 (one) space per 500 (five-hundred) square feet

(b) An adequate drop-off zone shall be provided

(5) Community Dining, Retail and Recreational Facilities

(a) Facilities 9,000 (nine-thousand) square feet and over shall provide 1 (one) space for every 2.5 (two-and-a-half) independent units located in buildings that are not attached to the facility.

(b) If the Facility is under 9,000 (nine-thousand) square feet, 1 (one) space shall be provided per 150 (one-hundred-fifty) square feet

h. Utility Equipment: All utility lines which service the development shall be located underground.

i. Accessibility for SLRU. All single-story units in a SLRU development provide reasonable accessibility for fifty-five and older individuals. All single-story units will be compliant with applicable FHA and ANSI accessibility requirements. This accessibility will include an entry door from the garage with a width of 36" and zero clearance from the garage, doors to rooms deeper than 2' will have 34" wide doors, kitchens will have a minimum of 44" clearance, one bathroom will have a 36" clear width for the toilet, tubs or showers will have grab bar blocking installed on 3 sides for future grab bars, toilets will have blocking installed behind the toilet for future horizontal grab bars or future swing-up grab bar, vanity sink rim to be no higher 34", electrical outlets, switches, panels and thermostats will be no higher than 46" to the centerline. The review and approval of the accessibility of units shall be determined by the Zoning Commission after review and approval of the Concept Plan by the Board of Zoning Appeals. (Approved 10-26-21 Res. 21-54 Effective 11-25-21)

j. All roadways, driveways, parking lots and sidewalks will be privately owned and maintained.

k. Definition of Terms:

The following definitions shall apply exclusively to, and are pertinent only to, Commercial Zoning District, Sec. 5.2(B)(20) Senior Living, Senior Care and Continuing Care Communities.

1. Senior Living. Residential community of individuals 55 years or older, or individuals less than 55 years of age when residing with a spouse or relative who is 55 years or older.
2. Senior Care. Varying levels of care and support provided to adults 55 and older.
3. Continuing Care Community. Residential community offering housing and health related services for life or for a period in excess of one year that includes access to coordinated social activities, transportation, dining services, and multiple levels of health care, when and if the course of aging raised the need. May also include full or efficiency units, villas or cluster homes as well as community dining and recreational areas. May include independent, assisted, and skilled nursing facilities.
4. Active Adult Facility. Resort-like Americans with Disabilities Act compliant, residential units geared to younger seniors (55+) who are physically active and fully independent.
5. Independent Living Facility without Amenities. Americans with Disabilities Act compliant rental units in which amenities are not included as part of the rent, although amenities may be available on the campus and may be purchased by residents for an additional fee.
6. Independent Living Facility with Amenities. Americans with Disabilities Act compliant rental units in which on-site amenities are included as part of the rent.
7. Amenities (for Independent Living). Services or facilities provided on-site, within the resident building, that provide basic daily needs for the residents. Such services may include, but are not limited to housekeeping, transportation and basic daily care. Such facilities may include, but are not limited to dining, spa, beauty/barber shop, fitness, activity, and living spaces.
8. Residential Care Facility. The provision of room, board, and

personal care; with 24-hour supervision of individuals who, because of old age or impairments, need assistance with the activities of daily living.

9. Assisted Living Facility. A coordinated array of supportive personal and health services, available 24 hours a day, to residents who need those services in a residential setting. Promotes self-direction and participation in decisions that emphasize independence, privacy, dignity, and homelike surroundings.
10. Skilled Nursing Facility. Daily nursing and/or rehabilitative care that can be performed only by or under the supervision of skilled medical personnel.
11. Alzheimer's/Memory Care. Assisted or Skilled Nursing care specifically for those who have Alzheimer's dementia, or other age-associated memory impairments.
12. Hospice. A philosophy of care that focuses on relief of symptoms, pain control and providing personal, emotional, and spiritual support to dying patients and their families.
13. Rehabilitation. The combined and coordinated use of medical, social, educational, and vocational measures for training or retraining individuals disabled by disease or injury to the highest possible level of functional ability. Several different types of rehabilitation are distinguished: occupational, physical, speech and other.
14. Adult Day Care Facility. Senior Care setting that provides social interaction, medical care, and/or Alzheimer's care for a limited number of hours per day to frail physically or cognitively impaired older persons who require some supervision and care during the day but are able to reside in the general community.
15. Open Space. Land located within the property line, excluding the right-of-way, on which no building, structure, roads or parking areas shall be located, exceptions are listed under Disturbed Open Space. (Approved 10-26-21 Res. 21-54 Effective 11-25-21)
16. Disturbed Open Space. Land that is free from any building, structure, roads or parking areas that is used for visual enjoyment, recreational activity, or landscaping. Includes land occupied by gazebos, ponds, outdoor recreational uses and sidewalks. (Approved 10-26-21 Res. 21-54 Effective 11-25-21)
17. Undisturbed Open Space. Land that is essentially untouched or undisturbed and is protected from any future development. (Approved 10-26-21 Res. 21-54 Effective 11-25-21)
18. Individual Active Senior Unit. A dwelling unit within a senior residential development which provides services including at minimum: exterior structural maintenance; exterior landscape

maintenance; and snow removal on streets, drives, and sidewalks and such designation shall include a deed restriction concerning the use of all the units as senior age restricted housing as established by federal law.

19. Senior Living Residential Unit (SLRU). A dwelling unit within a SLRU Development that is entirely owned by one entity and provides rental of all similar units which provides services including at minimum: exterior structural maintenance; exterior landscape maintenance; and snow removal on streets, drives, and sidewalks and such designation shall include a deed restriction concerning the use of all the units as senior age restricted housing as established by federal law. Such development shall not include other amenities.

(Approved 10-26-21 Res. 21-54 Effective 11-25-21)

1. Implementation

1. Any entity seeking preliminary approval for conditional use of their property for Senior Living, Senior Care and Continuing Care Communities shall first submit said application to the Board of Zoning Appeals for a conditional zoning certificate. The application shall include:

(a) a legal description of all parcel(s) subject to the application,

(b) a full Concept Site Plan for the proposed development illustrating a concept layout for buildings, uses, drives, and open spaces, to conform to the feasibility of establishing the proposed use on the site and to confirm compliance with the requirements for the conditional use certificate.

(c) If an entity desires to include parcel(s) having an existing use as set forth in this section of the Zoning Resolution (i.e.uses consistent with 5.2(B)(20)(a), the additional parcel(s) shall all be included within a Concept Site Plan and Project Description submitted to the Board of Zoning Appeals.

(d) If the Board of Zoning Appeals approves the conditional use, the parcel(s) shall thereafter have the designation as a Senior Living, Senior Care and Continuing Care Community and shall thereafter be developed consistent with the Concept Site Plan and the Project Description.

(e) No parcel shall be removed from such designation without the approval of the Zoning Commission. (Approved 10-26-21 Res. 21-54 Effective 11-25-21)

2. After approval of the conditional use zoning certificate, implementation of the Site Plan shall be within jurisdiction of the Zoning Commission who shall maintain full authority over the implementation and any modification of the Site Plan consistent

with any conditions of the Board of Zoning Appeals and with this Zoning Resolution.

(a) A Site Plan for development shall be separately submitted to the Zoning Commission for approval.

(b) The Site Plan shall illustrate building locations and floor areas; yards and setbacks; parking areas; open spaces; and such other information necessary to confirm compliance with this Zoning Resolution.

(c) The Site Plan shall demonstrate that the location, design and operating characteristics of the use will be compatible with and will not adversely affect adjacent properties and the surrounding areas. The proposed development shall be harmonious with surrounding buildings with respect to scale and building materials. The surrounding street network shall be capable of accommodating the traffic generated by the proposed use.

(d) The Site Plan shall demonstrate compliance with all other applicable Commercial and Conditional use zoning regulations not specifically addressed in this Section 5.2B20.

(e) If any entity seeks to include additional parcel(s) such plans shall first be submitted to the Board of Zoning Appeals to determine whether the action of these additional parcel(s) shall be consistent with the General Plan then in existence and thereafter the Zoning Commission shall maintain jurisdiction to review such additional phasing.

(f) Modification by Zoning Commission after approval by Board of Zoning Appeals. The property owner may request, and the Zoning Commission may approve with cause, modifications to the Site Plan due to factors including but not limited to site conditions or impacts from or upon neighboring uses. (Approved 10-26-21 Res. 21-54 Effective 11-25-21)

21. **Adult Entertainment Establishment**

Adult Entertainment Establishment shall be located in accordance with the following restrictions.

- a. Adult Entertainment Establishment shall not be located on any parcel within one thousand (1,000) feet of any Residential or Planned Unit Development District or within one thousand (1,000) feet of any public library, private or public school, public park, or church, or within one thousand (1,000) feet of another Sexually Oriented business.
- b. Such businesses shall be located only in a Commercial District, as depicted on the Sagamore Hills Township Zoning District Map.

- c. For the purpose of this section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an Adult Entertainment Establishment is conducted, to the nearest property line of the premises of a church, or public or private school, or the nearest boundary of an affected public park, or residential lot.
- d. For the purpose of this section, the distance between any two (2) Adult Entertainment Establishment shall be measured in a straight line, without regard to intervening structures or objects from the closest exterior wall of the structure in which each business is located.
- e. Nothing in this section shall be construed to prohibit or limit the display, sale, or rental of descriptive, printed, film, video or multimedia material or any live performance which contains serious literary, artistic, political, medical, educational or scientific value.
- f. An Adult Entertainment Establishment would not become non-conforming in the event that a use, such as a church, would locate within a buffer area after the sexually oriented business was established.
- g. Any display, device or sign that depicts or describes specified sexual activities or specified anatomical areas shall be out of view of the public way and surrounding property.
- h. No Adult Entertainment Establishment shall be established in the same building with another Adult Entertainment Establishment.
- i. Business authorized under this section shall have entrances to the establishment shielded in such a way that individuals outside the business building will not be able to see the entertainment area inside the building. The shielding shall not obstruct any exit sign or other exit hardware. All shielding shall be approved by the Fire Inspector.

5.3 Lot Requirements

- A. **Minimum Lot Area** - One (1) acre (43,560 sq. ft.).
- B. **Minimum Lot Width at Building and Street Right-of-Way** One hundred (100) feet.

5.4 Yard Requirements

A. **Minimum Front Yard Depth** - Seventy-five (75) feet from highway right-of-way line except as otherwise specified below:

1. **Corner Lot**

Corner lots in all districts are required to have the minimum front yard requirements, as indicated in that district, facing both streets.

2. **Front Yard**

Front yard shall be landscaped in accordance with Section 5.12 of this Resolution and in which no parking shall be permitted. A sidewalk with a minimum width of six (6) feet shall be contiguous with those sides which contain the entrances to the building. For three (3) or more contiguous stores, a twenty (20) foot wide access lane shall be permitted providing it is contiguous to the building sidewalk.

B. **Minimum Side Yard Width**

Minimum side yard width shall be twenty (20) feet and in which no parking shall be permitted. All twenty (20) feet shall be landscaped when adjacent to a side yard parking area. When the minimum side yard width is not adjacent to a parking area, ten (10) feet contiguous to the property line shall be landscaped. The remaining ten (10) feet may contain either landscaping or sidewalk. A side walk must be provided adjacent to at least one (1) side of the building. Minimum width of sidewalk shall be six (6) feet.

C. **Side and Rear Yards when Adjacent to a Residential District** shall be seventy five (75) feet, all of which shall be landscaped in accordance with Section 5.12 of this Resolution.

D. **Rear Yards when Adjacent to a Commercial District** shall be fifty (50) feet, all of which shall be landscaped.

5.5 **Maximum Building Height** – Thirty-five (35) feet as measured from the natural grade at building set back line to the established main roof ridge line.

5.6 Site Plan Review

All business uses under Section 5.2 shall be permitted only after the review of the site plans by the Zoning Inspector and his designed consultants and after the following general requirements are met.

A. The site plans show that a proper relationship does exist between

thoroughfares, service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.

- B. All the development features, including the principal buildings, open spaces, service roads, driveways, and parking areas are located and related as to minimize the possibility of any adverse effects and to maintain harmony with adjacent developments.
- C. The site plan includes adequate provision for the screening of parking areas from surrounding properties by landscaping.
- D. All lots shall include a stormwater management plan with all necessary governmental approvals.
- E. Maximum possible privacy for surrounding residential properties shall be provided through good design and use of proper building materials and landscaping. Visual privacy shall be provided through structural screening and landscaping treatment.
- F. The architectural design of commercial buildings shall be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture materials, line and pattern and character.
- G. On-site circulation shall be designed to assure adequate fire and police protection.
- H. Building location and placement shall be developed with consideration given to minimizing removal of trees.
- I. In parking areas with front yard frontages greater than four hundred (400) feet, visual relief shall be provided through the use of trees, plantings and landscaped dividers, islands and walkways. Landscaping and plantings shall be a minimum of twenty percent (20%) of the side yard parking area and ten percent (10%) of the rear yard parking area.

5.7 Conformance with Site Plan

- A. The use, placement, and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts, and installation of landscaping, fences, lighting and walks shall conform to the approved site plan.
- B. Any revision in the site plan after final approval by the Zoning Inspector must be resubmitted for approval by the Zoning Inspector.
- C. Any subsequent construction, re-construction or changes in topography or the commercial usage of the property must be submitted to the Zoning Inspector and his designated consultants for his approval.

- D. A performance bond made payable to Sagamore Hills Township in the amount of ten percent (10%) of the construction cost shall be required for an issuance of a Zoning Certificate. After all conditions of the Zoning Resolution are met, the bond shall be returned to the owner. Said bond shall be issued by a Bonding Company acceptable to the Fiscal Officer of Sagamore Hills Township.

5.8 **Parking and Loading Off-Street Parking**

In all districts, in connection with every building or part thereof hereafter created, sufficient parking facilities shall be provided off-street to meet all the parking needs. The nearest edge of such parking facilities, shall be within five hundred (500) feet of the principal permitted use of the building.

5.9 **Minimum number off-street parking spaces** required in “Commercial District”.

- A. **Auditorium, Stadium, and similar uses**
 - One (1) for each three (3) seats based on maximum seating capacity.
- B. **Automobile Repair Garages**
 - One (1) for each employee **plus** one (1) for each five hundred (500) square feet, or fraction thereof, of total gross floor area.
- C. **Barbershops and Beauty Parlors**
 - Four (4) for each barber or beauty operator.
- D. **Business and Professional Offices, Banks and Studios**
 - One (1) for each one hundred fifty (150) square feet, or fraction thereof, of total gross floor area **plus** one (1) space for each employee on maximum working shift.
- E. **Churches and School Auditoriums**
 - One (1) for each three (3) seats in the principal auditorium, based on maximum seating capacity.
- F. **Clubs and Lodges**
 - One (1) for one hundred fifty (150) square feet, or fraction thereof, of total floor area or one (1) for each two (2) seating spaces in the Assembly Room, whichever is larger.
- G. **Hospitals**
 - One (1) parking space for each bed **plus** one (1) space for each employee on maximum working shift.
- H. **Convalescent, Rehabilitation & Nursing Homes**
 - One (1) parking space for each two (2) units **plus** one (1) space for each employee on maximum working shift.

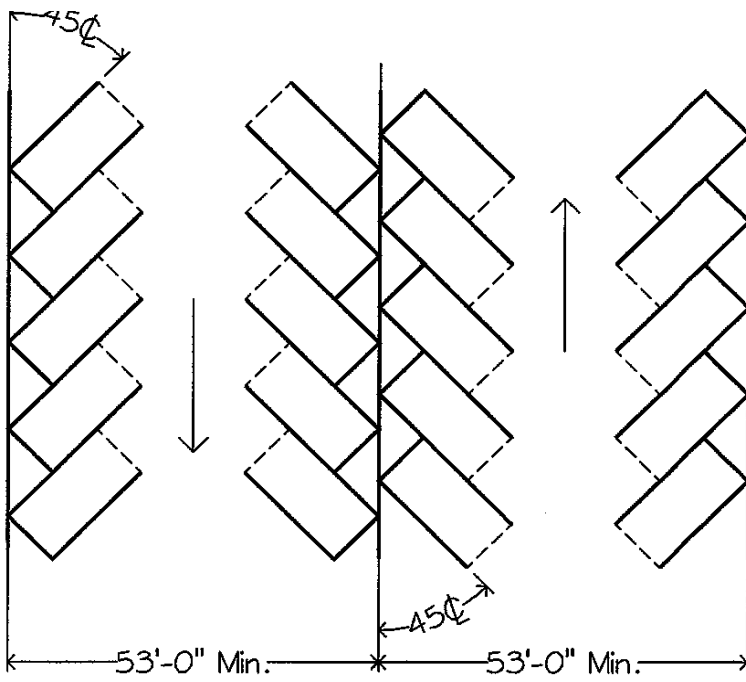
- I. **Laundromat**
- One (1) for each two (2) washing machines.
- J. **Quasi-public or Institutional Meeting Facilities**
- One (1) parking space for each three (3) seats ~~and~~ based on maximum seating capacity.
- K. **Medical and Dental Offices and Clinics**
- Five (5) for each physician or dentist plus one (1) for each employee on maximum working shift
- L. **Funeral Homes**
Minimum of one hundred (100) parking spaces.
- M. **Restaurants (Including Bars & Taverns)**
One (1) space for each one hundred (100) square feet, or fraction thereof, of total gross floor area or one (1) space for each four (4) seats, whichever is greater, plus one (1) space for each employee on maximum working shift and appropriate space for delivery vehicle.
- N. **Small Retail Stores and Personal Service Shops**
- One (1) for each two hundred (200) square feet, or fraction thereof, of total gross floor area.
- O. **Supermarkets, department stores and similar large retail stores**
- One (1) for each two hundred (200) square feet, or fraction thereof, of total gross floor area.
- P. **Furniture, appliance, hardware and building supply** (including heating and cooling, floor coverings, interior decoration supplies, out-door accessories) - One (1) for each four hundred (400) square feet, or fraction thereof, of total gross floor area.
- Q. **Building Usage which is not specified**
Minimum of five (5) car stalls per each one thousand (1,000) square feet of total gross floor area (or one (1) per two hundred square feet) shall be provided whenever building usage is not specified.
- R. **Veterinary Offices or Veterinary Hospitals** shall have five (5) parking spaces for each doctor (D.V.M.) and one (1) space for each employee.

5.10 **Parking Requirements**

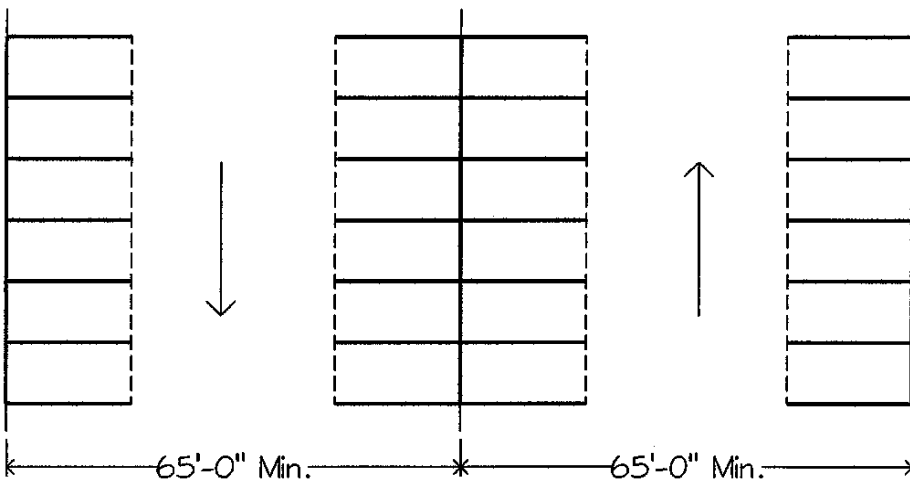
- A. **Parking** shall be provided with buildings of undesignated uses. The builder or developer must comply with the requirements of Sec. 5.9.

- B. **Stalls** shall be at least ten (10) feet wide and twenty (20) feet in length and shall be striped.

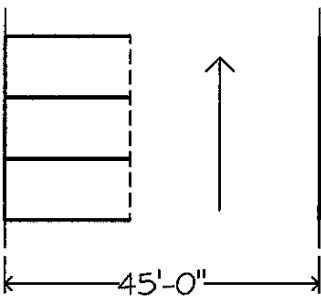
- C. **The width of the parking unit consisting of one lane** and the opposite two 45 degree angle parking stalls shall be at least fifty-three (53) feet. The width of the parking unit consisting of one lane and adjoining one 90 degree parking stall be forty-five (45) feet. The width of the parking unit consisting of one lane and the adjacent two 90 degree angle parking stalls shall be at least sixty-five (65) feet. Each lane shall conduct traffic in one direction only. (See Diagram A)



45° Parking Stalls



Opposite 90° Parking Stalls



90° Parking Stall- One Lane

Diag.A

- D. **The parking area** shall be paved with asphalt or concrete and contain adequate base material.
- E. **All improved lots** shall include a stormwater management plan with all necessary governmental approvals.
- F. **Adequately anchored bumper stops, curbing or wheel chocks** shall be provided to prevent any vehicle from damaging or encroaching upon any wall, fence, buffer strip or upon any building adjacent to the parking lot.
- G. **All points of ingress and egress** shall be reviewed and approved by the Summit County Engineer's Office.
- H. **Provide ramps** for handicapped persons.

5.11 Loading and Unloading Space Requirements:

A. Minimum Spaces Required

- 1. Every building used for non-residential purposes which customarily receives or distributes goods by motor vehicle shall provide sufficient spaces on the premises for all loading and service purposes on the basis of the following minimum requirements:
 - a. Every building having over five thousand (5,000) square feet of gross floor area shall be provided with at least one (1) adequate loading and unloading space which shall be not less than twelve (12) feet in width and fifty-five (55) feet in length. An additional truck space of these dimensions shall be provided for every additional twenty thousand (20,000) square feet, or fraction thereof, of gross floor area in the building.
 - b. Loading spaces as required under this section shall be provided as area additional to off-street parking spaces required under Section 5.9 and shall not be considered as satisfying off-street parking space. No loading, unloading or servicing shall be done on the right-of-way of any publicly dedicated thoroughfare or fire lane. All loading docks must be at the rear of the building.

B. Loading and Unloading Requirements for Uses Not Specified

- 1. Where the requirements for a use are not specifically defined herein, the

loading and unloading facilities for such use shall be developed so as to be sufficient to meet all loading needs of the proposed use. No loading, unloading or servicing shall be done in the right-of-way of any publicly dedicated thoroughfare or fire lane.

5.12 Landscaping Requirements:

- A. Prior to approval of the Site Plan, the Zoning Inspector shall require:
 - 1. A Landscaping Plan which shall show location and size of property, existing and proposed buildings, drives, sidewalks and parking area, and proposed landscaping.
 - 2. An estimate from a recognized landscape firm of the cost of the proposed landscaping.
 - 3. A performance bond shall be deposited with the Fiscal Officer of Sagamore Hills Township to assure faithful performance of all landscaping provided in said construction. Further, the bond must be issued by a recognized and approved bonding company and shall be for a period commensurate with the completion of the landscaping plan. Should an occupancy permit be issued prior to the completion of the landscaping plan, than said performance bond shall be renewed for that period of time which shall assure faithful compliance of the landscaping plan.
- B. All landscaping shall be complete or provided for completion as approved by the Zoning Inspector before an occupancy permit shall be issued. However, in the case of winter occupancy (after the 1st of November), all planting is to be completed by the following May 1st.
- C. Artificial landscaping and planting are specifically prohibited.

5.13 Certificate of Zoning Compliance

- A. No vacant land and no building erected, added to, or altered shall be occupied or used in whole or in part nor shall any owner or tenant or any land or building hereafter change the use classification or enlarge the use classification in any building or on any premises without a Certificate of Zoning Compliance from the Zoning Inspector issued in accordance with the authority hereinafter provided, providing that nothing in this section shall prevent the continuance of the present occupancy or use of any premises or of any existing building.
 - 1. The Zoning Inspector is authorized to issue a Certificate of Zoning Compliance upon completion of the following requirements:

- a. That all the provisions of the Sagamore Hills Township Zoning Resolution have been satisfied and;
 - b. The Zoning Inspector has received assurance from the Building Inspector showing that the building, alterations and additions thereof and premises have been completed in accordance with the Building Code of Summit County and;
 - c. An official copy of the applicant's certificate from the Summit County Engineer showing that all street improvements have been installed and all other provisions have been completed in accordance with the Building Code of Summit County and;
 - d. An official copy of the applicant's certificate from the Summit County Public Health Department showing that all the requirements of said Department have been complied with.
2. The Zoning Inspector shall maintain record of all Certificates of Zoning Compliance and a copy shall be furnished upon request to any person having a proprietary or tenancy interest in the building or premises affected.
 3. That the Zoning Inspector shall cause a notice of compliance to be posted on all premises requiring the issuance of a Certificate of Zoning Compliance. (See Exhibits.)
 4. That whoever violates this section is guilty of the penalty under 519.99 for each and everyday during which such illegal location, erection, construction, enlargement, change, maintenance or use continues may be deemed a separate offense.

5.14 Utilities shall be provided as specified in Chapter 16.

5.99 **General Restrictions:**

- A. Outdoor speakers can only be used as a conditionally permitted use. All conditionally permitted uses shall be issued by the Board of Zoning Appeals.
- B. There shall be no more than one (1) free-standing advertisement sign. (See Sec. 15-Signs)
- C. No lighting shall constitute a nuisance and shall in no way impair safe movement to traffic on any street or highway. No lighting shall shine directly on adjacent residential properties. Maximum height of light poles and fixtures shall not exceed twenty-five (25) feet measured from top of

the luminaire to the finished ground level.

1. Every parking area shall be lighted to a minimum of one (1) foot-candle power as measured at ground level. Maximum rating at mid-point between poles shall be no greater than one and one-half (1.5) foot candles. There shall be no more than four (4) foot-candle power at ground level directly under the light luminaire.
 2. Exposed light bulbs except for those used in holiday decoration shall be prohibited.
- D. All installations shall be maintained in a neat and orderly condition.
- E. Temporary buildings for use incidental to construction work shall conform to the following:
1. Any temporary structures must be indicated on the site plan, and their use shall be discontinued and removed at a time to be determined by the Zoning Inspector. Under no circumstances shall such structures continue to be used as permanent structures.
- F. Earthen structures or mounds of dirt or fill material shall not encroach upon the seventy-five (75) foot buffer strip between residential and commercial properties. Any change in surface drainage due to regrading of the property must be approved by the Summit County Engineer.
- G. Toxic material of any kind whatsoever shall not be used for any landfill or regrading operations within the Township.
- H. Tractor trailer trucks or cabs shall not be parked in commercial areas overnight.
- I. Only tenant owned trucks with the exception of tractor trailers or cabs may be parked overnight.
- J. Dumpsters and other trash collection receptacles shall be located behind the Set-back building line, but preferably in the back of the building.
(Approved 10-26-21 Res. 21-54 Effective 11-25-21)
- K. Repealer Clause - All provisions of the Resolutions of the Township of Sagamore Hills, Ohio inconsistent herewith are hereby repealed.