

ARTICLE IV – DEFINITION of TERMS

Section 4.01

All words used in the text of this Zoning Resolution, unless otherwise defined below shall be given the precise meaning as stated in Webster’s Unabridged Dictionary, most recent published edition.

Interpretation of terms of words: For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:

- A. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- D. The word “lot” includes the words “plot”, “tract”, or “parcel”.
- E. Pronouns identifying individuals by gender are interchangeable.

ACCESSORY USE (or STRUCTURE): Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, “Accessory Use” includes anything of a subordinate nature attached or detached from a principal structure or use, such as sheds, garages, parking places, decks, poster panels, and billboards.

AGRICULTURE: ~~The use of land for~~ As used in section ORC§519.02 to ORC§519.25 of the Revised Code, “agriculture” includes farming, ranching, algaculture meaning the farming of algae, aquaculture, ~~dairying, pasturage,~~ apiculture, horticulture, floriculture, viticulture, ~~and animal and or poultry~~ husbandry, including but not limited to, the care and raising of livestock, equine, and fur-bearing animals, poultry husbandry and the production of poultry and poultry products, dairy production, the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production, ~~and the necessary accessory uses for packing, treating, or storing the produce;~~ provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. However, the cultivation, processing or retail dispensing of medical marijuana, licensed under Ohio Revised Code Chapter 3796, shall not be permitted in any zoning district.

AIRPORT: Any runway, landing area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

CONDITIONAL USE: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

CONDITIONAL USE PERMIT: A permit issued by the Zoning Administrator/Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

CONDOMINIUM: A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

CORNER LOT: (See LOT TYPES)

CUL-DE-SAC: (See THOROUGHFARE)

CURBSIDE PICKUP: A service offered by retailers and eating and drinking establishments where a customer places their order online and drives to pick it up. Curbside pickup models have designated parking areas near the store entrance, and when the order is ready, a store associate brings the order out to the customer's car.

DEAD END STREET: (See THOROUGHFARE)

DENSITY: A unit of measurement expressing the number of dwelling units per acre of land.

~~A. — Gross Density: The number of dwelling units per acre of the total land to be developed.~~

~~B. — Net Density: The number of dwelling units per acre of land when the acreage involved excludes streets, easements, water, open spaces, driveways, parking areas, and any other paved area.~~

DENSITY BONUS OR INCENTIVE: An increase in the number of allowable dwelling units per acre granted for some specific reason, as provided for in the zoning regulations.

DISTRICT: A part, zone, or geographic area within the township within which certain zoning or development regulations apply.

DOMESTIC ANIMALS: Shall be defined as an animal, such as a dog or cat, that has been tamed and kept by humans as a pet; a house pet.

DWELLING: A building or portion thereof used exclusively for residential purposes, including single -family, two-family, and multiple-family dwellings, but not including hotels and boarding and lodging houses.

DWELLING, COMMON WALL: A building designed for two dwelling units where each dwelling shares one common wall and the remaining sides of the building are surrounded by open areas or street lines.

DWELLING, MULTI-FAMILY: A building designed or used primarily as a residence with four (4) or more dwelling units.

ARTICLE VII – AGRICULTURAL RESIDENTIAL DISTRICT (AR-1)

Section 7.01 – PURPOSE

The Agricultural Residential District (AR-1) is intended to protect extensive land areas currently in agricultural use and/or extensive areas possessing soils that are especially suited to agricultural purposes and to protect them from uncontrolled encroachment by urban types of development, while preventing pollution of these lands, and underlying water resources. In addition, the Agricultural Residential District (AR-1) is intended to permit construction of low density, large lot (5 acres and greater) single family residences.

Section 7.02 – APPLICATION

All lands in Harlem Township not otherwise zoned shall be controlled by the provisions of this Article of the Zoning Resolution.

All lots which are located within the limits of Harlem Township and which were duly recorded upon the plat thereof in the Plat Records of the Recorder’s Office, Delaware County, Ohio, at the effective date of this amendment to the Zoning Resolution shall be considered legal residential lots.

Section 7.03 – PERMITTED USES

Within the Agricultural Residential District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- A. Residence (limited to one single family dwelling per parcel, tract, or lot.)
- B. Accessory buildings and accessory uses including private garages and swimming pools.
- C. Projects specifically designed for watershed protection, conservation of water or soils or for flood control.
- D. Agricultural ~~purposes–uses, as referenced in Article IV and defined in ORC 519.02 through 519.25. beekeeping, dairying, floriculture, grazing and raising of livestock, orchards, plant nurseries, poultry raising, raising of grains, sod farming, truck farming, equestrian trails, forest and game management, greenhouses, nature trails and walks, stables, and riding stables.~~
 - 1. ~~⊞~~ Roadside sales of agricultural products shall be permitted in this district provided, however, that at least 50% of the gross income from the market is derived from the sale of products which are produced on lands in this township or adjacent townships farmed by the proprietor of said sales stand and further that said stand is in operation for not more than 150 days in any year. The stand and its parking area shall be outside of the road right-of-way and shall not interfere with traffic on adjacent thoroughfares.
 - 2. ~~⊞~~ Facilities for the storage, sorting, preliminary processing or sale of agricultural products shall be permitted if such products are used in the production of other farm products and if said storage, processing, sorting or sales is carried on incidental to other farming operations by the owner/proprietor.

~~E. G. Temporary structure(s) incidental to construction as regulated in Section 21.18. A temporary structure such as a mobile office and/or a temporary building of a non-residential character may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal and water supply as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.~~

F. H. Limited Home Occupation in accordance with Section 21.17.

~~A limited home occupation (business) is permitted within a permitted dwelling in all residential zoning districts (not in detached buildings or pole bars) in accordance with the following provisions:~~

~~1. The limited home occupation does not occupy more than twenty percent (20%) of the gross floor area of the dwelling unit, basement, or attached garage or four hundred (400) square feet, whichever is less.~~

~~2. Requirements:~~

~~a. The appearance of the structure shall not be altered. The limited home occupation within the residence shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or signs. A limited home occupation shall be clearly incidental and secondary to the use of the unit for dwelling purposes.~~

~~b. There are no non-resident employees.~~

~~c. No equipment or process shall be used in such limited home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers, computers, wireless phones or hand-held wireless transmitting devices off the premises, or causes fluctuations in line voltage off the premises.~~

~~d. There shall be no outside storage of any kind.~~

~~e. Specialized instruction or tutoring shall be limited to one (1) individual at a time.~~

~~f. No direct, face to face sales to the public on-site.~~

~~g. Maximum of five (5) commercial parcel deliveries/pick-ups per week.~~

~~h. No traffic or parking shall be generated by such limited home occupation in greater volumes than would normally be expected in a residential neighborhood.~~

Section 7.04 – CONDITIONAL USES

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditional uses shall be considered and declared abandoned if said use or uses are not commenced within **one (1)** year or are discontinued for a period in excess of **two (2)** years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale, or conveyance of the land or structure wherein the same is located or upon which the same is granted shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals if said uses are to be continued. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with the conditions imposed. No conditional use shall be implemented until **approved by the Board of Zoning Appeals. a permit of compliance is issued by the Zoning Inspector.**

- A. Expanded Home Occupation - It is recognized that there may be some home occupations which do not meet the criteria of Section **21.17 7.03h**, but which may be appropriate for a residential area provided the following additional standards are addressed through the Conditional Use Permit procedure. An Expanded Home Occupation Conditional Use may be permitted, provided it meets the requirements of **this Section-7.04a.**

For purposes of this Zoning Resolution, the holder of the Expanded Home Occupation Conditional Use Permit must reside in the dwelling unit on the property. An Expanded Home Occupation Conditional Use Permit ceases to be valid once the premises used for the expanded home occupation are no longer occupied by the holder of the Conditional Use Permit or upon the conduct of an expanded home occupation in a manner not approved by the Board of Zoning Appeals.

Conditional Use Criteria. Expanded Home Occupation Conditional Uses shall be limited by the following criteria and/or other conditions as determined to be necessary by the Board of Zoning Appeals in order to protect the residential character of the subject area:

- 1. The expanded home occupation shall be carried on solely within the confines of the residential structures within an AR-1 zoning district and/or architecturally compatible accessory buildings, which are customarily associated with the residential use and character of the neighborhood.
- 2. There may be no more than a total of two (2) non-resident employees who work in connection with the expanded home occupation on said premises.
- 3. Sales of commodities or services produced on the premises may be permitted provided such commodities or services are specified and approved as a part of the application. Examples of possible expanded home occupation conditional use services or commodity sales include but are not limited to:
 - a. Insurance or real estate sales, word processing, Internet web hosting.
 - b. Arts, crafts or other artistic instruction with united sales of associated materials used in the instruction and preparation of artistic works.
 - c. Small machinery and equipment repair such as computers, cameras, clocks or other similar small items including the limited sales of repaired or associated parts and equipment.

- d. Limited, seasonal sales of specialized items such as holiday ornaments or handicrafts.
 - e. Organized instruction may be permitted provided the class size does not exceed six (6) pupils at any given time. Prior to any approval for organized instruction associated with an expanded home occupation conditional use permit, the Board of Zoning Appeals shall determine that because of the location and orientation of the residence and lot in question, the regularly organized instruction of up to six (6) pupils at any given time will not become a detriment to the existing residential character of the lot or the general area through an increase in traffic, street parking, or any other factor resulting in an adverse impact as determined by the Board of Zoning Appeals.
4. Outside storage related to the expanded home occupation may be permitted if totally screened from adjacent residential lots and abutting streets, provided the application so specifies. The storage of equipment, supplies, and inventory shall not result in the emission to the surrounding neighborhood of any noxious, offensive or hazardous odors or materials, offensive noises, lighting interference or excessive traffic.
 5. The external appearance of the dwelling unit in which the expanded home occupation use is to be conducted shall not be structurally altered to accommodate the home occupation; nor, shall any electrical, mechanical or chemical equipment be utilized which would substantially increase the fire hazard and/or fire load of the structure as determined by the local fire chief and Ohio Fire Code.
 6. Only one sign, not larger than three (3) square feet and up to five (5) feet in height above grade of the surrounding yard or center line of the road, whichever is less, may be erected advertising the expanded home occupation. The sign may be mounted flat against a building or on a pole in the front yard. The sign shall not be animated or illuminated and must be approved by the BZA.
 7. No traffic or parking shall be generated by such expanded home occupation in greater volumes than would normally be expected in a residential neighborhood.
 8. ~~All No~~ equipment, process, or storage associated with the expanded home occupation shall comply with the Standards for Regulating External Impacts in Section 21.16. ~~create odors, noise, vibration, glare, electrical interference, or other nuisance detectable to normal senses off the lot. All activities, materials, and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers, computers, hand held wireless devices or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises.~~ No equipment, process, or storage associated with an expanded home occupation shall ~~create any fire or explosion hazard, or~~ involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
 9. Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use.

10. The use of the dwelling unit for the expanded home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than thirty percent of the total floor area of the dwelling unit shall be used in the conduct of the expanded home occupation. Garages or accessory buildings may only be used as permitted by the Board of Zoning Appeals.
 11. Maximum of ten (10) commercial parcel deliveries/pick ups per week.
 12. No space outside, including the exterior of the expanded home occupation office or storage facility, shall be used for the display of goods or materials to the public.
- B. Private landing fields and hangars for aircraft, ultra lights, and helicopters for use by the owner of the property and his guests provided that no commercial activities take place on said premises.
 - C. Permanent structure or improvements used for retail sale of agricultural products provided that at least 50 percent of the gross income from the market is derived from the sale of products which are produced on lands in this township or adjacent townships farmed by the proprietor of said stand. The stand and its parking area shall be outside of the road right-of-way and shall not interfere with traffic on adjacent thoroughfares.
 - D. One manufactured/mobile home, owned by the land owner, to be occupied by full time farm labor only and provided that said manufactured/mobile home is installed in compliance with rules and regulations established by the Delaware ~~Public County~~ Health ~~District~~ Department. Not more than one manufactured/mobile home shall be located on any lot, parcel or farm within this township.
 - E. Public or private schools or colleges, provided that said institution occupies not less than 20 acres. Instructional areas, whether improved with buildings or not, shall provide adequate parking areas for faculty, staff and students. Such parking may not exist within the right-of-way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.
 - F. Churches or other places of worship, provided they occupy a lot on not less than 5 acres plus 1 acre for each 100 permanent seats over 300 in the main assembly area. Adequate off-street parking shall be provided and shall meet the requirements of Article XXI of this Resolution. Fencing shall be provided to control accessibility of children to traffic, water impoundments and other hazardous conditions and any other improvements necessary to protect users from harm or danger.
 - G. Non-commercial playgrounds, play fields, picnic areas and summer camps with adequate off-street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions, and any other improvements necessary to protect users from harm or danger.
 - H. Public or private golf courses, country clubs, hunt clubs, fishing lakes, campgrounds or similar recreational uses, with all buildings and club houses incidental thereto, including restaurant(s) to serve members and/or users of the facility.

All such facilities shall have direct access onto a County or State road or highway. All maintenance and equipment storage areas shall be screened or buffered from view by fencing, landscaping, or mounding.

- I. Cemeteries, providing the same occupies a tract of not less than **one hundred (100)** acres. No building shall be placed closer to the right-of-way of any approved road than the setback prescribed by Section 21.10 of this Resolution. No burial may be made nearer than **fifty (50)** feet to the right-of-way of the approved public road adjacent thereto. No burial shall be permitted nearer than **twenty-five (25)** feet to any other property line unless a mature natural screen has been established along said property line at least **six (6)** feet in height in which case burials may be permitted not closer than **ten (10)** feet to said property line. No mausoleum, crematory, office facility, maintenance building or storage area shall be constructed except as approved by the Board of Zoning Appeals, and parking areas, public accesses, screening and other improvements shall be furnished as required.
- J. Borrow Pits, provided the excavation is completed within **one (1)** year and the contractor posts such bond as required by the Board of Township Trustees, Board of County Commissioners and/or the County Engineer to ensure compliance with the restrictions and conditions imposed to ensure regrading, reseeding and general restoration of the area including haul roads. All applications or plans submitted incidental thereto shall be reviewed by the Delaware County Engineer, and his comments shall be included in the record regarding the matter.

An extension of time limit may be approved by the Board of Zoning Appeals.

- K. Boarding kennels and animal shelters subject to the following conditions:
1. No building or structure used for the purpose of a boarding kennel or animal shelter shall be located closer than 300 feet from the lot line of any residence, church, school or any institution of human care.
 2. Full compliance with the Delaware ~~Public County Health District Department~~ shall be satisfied.
 3. Suitable fencing and/or screening shall be provided as approved by the Harlem Township Board of Zoning Appeals.
 4. Such use shall be safely conducted in a manner designed not to cause any interference with the right of quiet enjoyment by the residents of adjoining properties.
- L. Bed and Breakfast home provided that:
1. A maximum of **eight (8)** guests may be housed at any one time.
 2. Lighting: All exterior lighting must meet the requirements of Article XXI of this Resolution.
 3. Parking: All bed & breakfast homes shall provide off-street paved/gravel parking for the public. Such off-street paved/gravel parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be **one (1)** space per bedroom.
 4. Screening and trash receptacles: Landscape drawings shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the bed and breakfast lot. Trash receptacles shall be provided around the bed and breakfast home for use by guests.

- M. Cellular telephone towers in this district shall meet all the requirements of Section 519.211 of the Ohio Revised Code.
- N. Kindergarten and/or child care facilities, provided they occupy the residence of the operator or an accessory building which is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. and adjacent yards.

Section 7.05 – PROHIBITED USES

- A. Uses not specifically authorized by the express terms of this Article of the Zoning Resolution shall be prohibited.
- B. Outdoor storage of junk motor vehicles, as defined by ORC 505.173, for a period exceeding 14 days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building, so as not to be visible from any adjoining property or public road.
- C. No motor home, trailer, or camper of any type may be occupied by a guest of the resident/owner for more than 14 days and only 1 motor home, trailer, or camper is permitted at any one time.
- D. No trash, debris, refuse or discarded materials which create an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate or to be stored on any lot, parcel or portion thereof.
- E. Except as specifically permitted by Section 7.03 (E ¶) or Section 7.04(F ¶), and Section 21.18, no manufactured/mobile home or temporary structures shall be placed or occupied in this district.
- F. No cultivators, processors, or retail dispensaries of medical marijuana, licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this district.

Section 7.06 – DEVELOPMENT STANDARDS

All lands and uses within this Agricultural Residential District shall be developed in compliance with the standards hereinafter established:

- A. Lot Area - No parcel of land in this district shall have an area of less than five (5) gross net acres. ~~All other uses in this district shall have such lot area prescribed by the article permitting the use or as prescribed by the Board of Zoning Appeals as a condition of said use.~~
- B. Lot Frontage - Except as hereinafter set forth, all lots or parcels within this zoning district shall ~~be have~~ three hundred (300) contiguous feet of frontage on a road, street, or alley approved by the Delaware County Engineer. Lots or parcels having less than the above listed minimum frontage on the right-of-way line of the adjoining approved road or street must have a lot width of fifty (50) feet forward of the front building line which is equal to that minimum lot frontage requirement. In no case shall the parcel or lot frontage at the right-of-way line be less than sixty (60) feet, and said width of sixty (60) feet shall not be decreased at any point forward of the building line of the principal residence located on the premises. Flag lots must be separated by a lot meeting the required footage at the right-of-way line on any road in the township.

- C. Building Height Limits - No building in this district shall exceed **thirty-five (35)** feet in height measured from the finished grade established not closer than **fifteen (15)** feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, grain bins, church spires, domes, flag poles, elevator shafts, and windmills are exempted from any height regulation and may be erected to any safe height. No aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract
- D. Building Dimensions (Floor Space Requirement) - No dwelling shall be constructed in said zoned district of Harlem Township unless the same shall have at least the minimum square feet of living area, exclusive of basements, porches, breezeways, utility areas, and garages as set forth in the following schedule of dwelling types:

- 1 story – 1,500 square feet of living area above grade.
- Earth-berm and underground – 1,500 square feet of living area.
- 1 ½ story – 1,875 square feet of living area (with 1,125 square feet on the first floor above grade).
- Split-level – 2,000 square feet of living area (1,250 square feet above grade).
- Bi-level – 2,000 square feet of living area (with 1,250 square feet above grade).
- 2 story – 2,250 square feet of living area (with 1,125 square feet on the first floor above grade).

All dwellings shall include a garage (attached or unattached) of a minimum of 480 square feet complete with operating doors, this area not to be included in the living area of the dwelling.

- E. Building Front Setback – No building, structure or use shall be located closer to the right-of-way or center line of the adjacent public or private road than permitted in Section 21.10 herein. **Furthermore, In the case of flag lots, the front setback shall be fifty (50) feet, measured from the point at which the lot meets the frontage requirement set forth in 7.06(B). ~~the main building portion of a flag lot, excluding the driveway corridor, shall have a minimum setback distance for all structures of 50' from the property lines on all sides.~~**
- F. Side Yard Setbacks – ~~(Not applicable to flag lots)~~—No principal dwelling shall be located closer than **twenty-five (25)** feet to any side lot line. No accessory building shall be located closer than **fifteen (15)** feet to any side lot line.
- G. Rear Yard Setbacks – ~~(Not applicable to flag lots)~~—No principal dwelling shall be located closer than **eighty (80)** feet to the rear line of any lot and no accessory building shall be located closer than **fifteen (15)** feet to said rear lot line.
- H. Maximum Lot Coverage – On no lot or parcel in this zoning district shall buildings and paving be constructed which cover more than **fifty percent (50%)** of the parcel area. Structures or buildings shall cover no more than **twenty-five percent (25%)** of the parcel area.
- I. Parking – Off-street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Resolution.
- J. Signs – Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incidental to the Conditional Uses, no signs shall be permitted in this district except for “For Sale” or “For Rent or Lease”

signs advertising the tract on which said sign is located. Such sign shall not exceed **six (6)** square feet in area on each side.

The owner may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect one sign not exceeding **forty-eight (48)** square feet in area per side, advertising said tract for sale.

- K. Lighting Standards – All exterior lighting shall meet the lighting requirements of **Section 21.14 Article XXI** of this Resolution.
- L. Landscape Standards – All yards of the home shall be landscaped and shall meet the landscape requirements of **Section 21.07** of this Resolution.

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ARTICLE VIII – FARM RESIDENTIAL (FR-1)

Section 8.01 – PURPOSE

There is created within Harlem Township a Farm Residential District (FR-1) to provide for the use of appropriate lands for continued agricultural purposes and to permit construction of low density single family residences and other essentially non-urban types of residential and agricultural activities so that the basic rural character of these areas may be preserved and maintained, including the preservation of natural resources, scenic areas, wildlife habitats, and the historic and unique features of the land. The township shall permit the development of these lands in accordance with the ability of such lands to support development and to prevent pollution of air, soil, and water supplies.

Section 8.02 – APPLICATION

All lands within Harlem Township which are to be used for low density single family residences and other essentially non-urban types of residential and agricultural activities shall be not less than two (2) net acres, excluding ~~all recorded easements and~~ rights-of-way ~~s~~ and shall be controlled by the provisions of this Article of the Zoning Resolution.

All lots which are located within the limits of Harlem Township and which were duly recorded upon the plat thereof in the Plat Records of the Recorder’s Office, Delaware County, Ohio, at the effective date of this amendment to the Zoning Resolution shall be considered legal residential lots.

Section 8.03 – PERMITTED USES

Within the Farm Residential District the following uses, developed in accordance with all other provisions of this Resolution, shall be permitted:

- A. Single family dwellings (limited to one (1) single dwelling per parcel, tract, or lot).
- B. Accessory buildings and accessory uses including private garages and swimming pools.
- C. Projects specifically designed for watershed protections, conservation of soil or water or for flood control.
- D. Agricultural ~~purposes~~-uses, as referenced in Article IV and defined in ORC 519.02 through 519.25. ~~beekeeping, dairying, floriculture, grazing and raising of livestock, orchards, plant nurseries, poultry raising, raising of grains, sod farming, truck farming, equestrian trails, forest and game management, greenhouses, nature trails and walks, stables, and riding stables.~~
 - 1. Roadside sales of agricultural products shall be permitted in this district, provided that at least fifty percent (50%) of the gross income from the market is derived from the sale of products which are produced on lands in this township or adjacent townships farmed by the proprietor of said sales stand and further that said stand is in operation for not more than one hundred, fifty (150) days in any year. The stand and its parking area shall be outside of the road right-of-way and shall not interfere with traffic on adjacent thoroughfares.

2. Facilities for the storage, sorting, preliminary processing or sale of agricultural products shall be permitted if such products are used in the production of other farm products, and if said storage, processing, sorting or sales is carried on incidental to other farming operations by the owner/proprietor.
- E. ~~Temporary structure(s) incidental to construction as regulated in Section 21.18. A temporary structure such as a mobile office and/or a temporary building of a non-residential character may be used incidental to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal and water supply as he/she deems necessary. The fees for such permit and renewals thereof shall be established by the Board of Township Trustees. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.~~
- F. Limited Home Occupation in accordance with Section 21.17.
- ~~A limited home occupation (business) is permitted within a permitted dwelling in all residential zoning districts (not in detached buildings or pole barns) in accordance with the following provisions:~~
1. ~~The limited home occupation does not occupy more than twenty percent (20%) of the gross floor area of the dwelling unit, basement, or attached garage or four hundred (400) square feet, whichever is less.~~
 2. ~~Requirements:~~
 - a. ~~The appearance of the structure shall not be altered. The limited home occupation within the residence shall not be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or signs. A limited home occupation shall be clearly incidental and secondary to the use of the unit for dwelling purposes.~~
 - b. ~~There are no non-resident employees.~~
 - c. ~~No equipment or process shall be used in such limited home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers, computers, wireless phones or hand-held wireless transmitting devices off the premises, or causes fluctuations in line voltage off the premises.~~
 - d. ~~There shall be no outside storage of any kind.~~
 - e. ~~Specialized instruction or tutoring shall be limited to one (1) individual at a time.~~
 - f. ~~No direct, face-to-face sales to the public on-site.~~

~~g. — Maximum of five (5) commercial parcel deliveries/pick ups per week.~~

~~h. — No traffic or parking shall be generated by such limited home occupation in greater volumes than would normally be expected in a residential neighborhood.~~

Section 8.04 – CONDITIONAL USES

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII of this Resolution. Conditionally permitted uses shall be considered abandoned if said use or uses are not commenced within one year from the date of Board of Zoning Appeals approval or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land and/or structure wherein the same is located or upon which the same is granted shall void the conditional use permit. The subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Board of Zoning Appeals if said uses are to be continued. A designation by the Board of Zoning Appeals that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- A. Expanded Home Occupation – It is recognized that there may be some home occupations which do not meet the criteria of Section 8.03(F), but which may be appropriate for a residential area provided the following additional standards are addressed through the Conditional Use Permit procedure. An Expanded Home Occupation Conditional Use may be permitted, provided it meets the requirements of Section 8.04(A).

For purposes of this Zoning Resolution, the holder of the Expanded Home Occupation Conditional Use Permit must reside in the dwelling unit on the property. An Expanded Home Occupation Conditional Use Permit ceases to be valid once the premises used for the expanded home occupation are no longer occupied by the holder of the Conditional Use Permit or upon the conduct of an expanded home occupation in a manner not approved by the Board of Zoning Appeals.

Conditional Use Criteria. Expanded Home Occupation Conditional Uses shall be limited by the following criteria and/or other conditions as determined to be necessary by the Board of Zoning Appeals in order to protect the residential character of the subject area:

- 1. The expanded home occupation shall be carried on solely within the confines of the residential structures within an FR-1 zoning district and/or architecturally compatible accessory buildings, which are customarily associated with the residential use and character of the neighborhood.
- 2. There may be no more than a total of two (2) non-resident employees who work in connection with the expanded home occupation on said premises.
- 3. Sales of commodities or services produced on the premises may be permitted provided such commodities or services are specified and approved as a part of the application. Examples of possible expanded home occupation conditional use services or commodity sales include but are not limited to:
 - a. Insurance or real estate sales, word processing, Internet web hosting.

- b. Arts, crafts or other artistic instruction with united sales of associated materials used in the instruction and preparation of artistic works.
 - c. Small machinery and equipment repair such as computers, cameras, clocks or other similar small items including the limited sales of repaired or associated parts and equipment.
 - d. Limited, seasonal sales of specialized items such as holiday ornaments or handicrafts.
 - e. Organized instruction may be permitted provided the class size does not exceed six (6) pupils at any given time. Prior to any approval for organized instruction associated with an expanded home occupation conditional use permit, the Board of Zoning Appeals shall determine that because of the location and orientation of the residence and lot in question, the regularly organized instruction of up to six (6) pupils at any given time will not become a detriment to the existing residential character of the lot or the general area through an increase in traffic, street parking, or any other factor resulting in an adverse impact as determined by the Board of Zoning Appeals.
4. Outside storage related to the expanded home occupation may be permitted if totally screened from adjacent residential lots and abutting streets, provided the application so specifies. The storage of equipment, supplies, and inventory shall not result in the emission to the surrounding neighborhood of any noxious, offensive or hazardous odors or materials, offensive noises, lighting interference or excessive traffic.
 5. The external appearance of the dwelling unit in which the expanded home occupation use is to be conducted shall not be structurally altered to accommodate the home occupation; nor, shall any electrical, mechanical or chemical equipment be utilized which would substantially increase the fire hazard and/or fire load of the structure as determined by the local fire chief and Ohio Fire Code.
 6. Only one sign, not larger than three (3) square feet and up to five (5) feet in height above grade of the surrounding yard or center line of the road, whichever is less, may be erected advertising the expanded home occupation. The sign may be mounted flat against a building or on a pole in the front yard. The sign shall not be animated or illuminated and must be approved by the BZA.
 7. No traffic or parking shall be generated by such expanded home occupation in greater volumes than would normally be expected in a residential neighborhood.
 8. ~~All No~~ equipment, process, or storage associated with the expanded home occupation shall ~~comply with the Standards for Regulating External Impacts in Section 21.16. create odors, noise, vibration, glare, electrical interference, or other nuisance detectable to normal senses off the lot. All activities, materials, and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers, computers, hand held wireless devices or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises.~~ No equipment, process, or storage associated with an expanded home occupation shall ~~create any fire or explosion hazard, or~~ involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.

- 9. Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use.
- 10. The use of the dwelling unit for the expanded home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and not more than thirty percent (30%) of the total floor area of the dwelling unit shall be used in the conduct of the expanded home occupation. Garages or accessory buildings may only be used as permitted by the Board of Zoning Appeals.
- 11. Maximum of ten (10) commercial parcel deliveries/pick ups per week.
- 12. No space outside, including the exterior of the expanded home occupation office or storage facility, shall be used for the display of goods or materials to the public.

~~B. Private landing fields and hangars for aircraft, ultra lights, and helicopters are for use by the owner of the property and his guests provided that no commercial activities take place on said premises.~~

~~C. One manufactured/mobile home, owned by the land owner, may be occupied by full time farm labor only, provided that said manufactured/mobile home is installed in compliance with rules and regulations established by the Delaware Public County Health District Department. Not more than one manufactured/mobile home shall be located on any lot, parcel or farm within this township.~~

~~B. D. Kindergarten and/or child care facilities, provided they occupy the residence of the operator or an accessory building which is architecturally compatible with the neighborhood, and provisions are made for vehicular access; parking, and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, and adjacent yards.~~

~~D. E. Convalescent homes, rest homes, or homes for children or aged, provided that the area of the tract is adequate to provide setbacks, parking and recreational area prescribed by the Board of Zoning Appeals.~~

~~F. Boarding kennels, riding stables and animal shelters subject to the following conditions:~~

- ~~1. No building or structure used for the purpose of a boarding kennel, riding stable or animal shelter shall be located closer than three hundred (300) feet from the lot line of any residence, church, school or any institution of human care.~~
- ~~2. Full compliance with the Delaware Public County Health District Department shall be satisfied.~~
- ~~3. Suitable fencing and/or screening shall be provided as approved by the Board of Zoning Appeals.~~
- ~~4. Such use shall be safely conducted in a manner designed not to cause any interference with the right of quiet enjoyment by the residents of adjoining properties.~~

~~C. G. Residential Facilities as defined in Article 4. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition the following conditions must be met by the applicant: Group homes or residential care facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such~~

~~facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary, the following conditions shall be imposed by the Board of Zoning Appeals.~~

1. No exterior alterations of the structure shall be made which depart from the residential character of the building.
2. All new structures shall be compatible in residential design with the surrounding neighborhood.

~~D. H. Permanent structures for Agricultural Sales in accordance with 8.03(D). or improvements used for retail sale of agricultural products provided that at least fifty percent (50%) of the gross income from the market is derived from the sale of products which are produced on lands in this township or adjacent townships farmed by the proprietor of said stand. The stand and its parking area shall be outside of the road right-of-way and shall not interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a conditional use permit.~~

~~E. I. Churches or other places of worship, provided they occupy a lot on not less than five (5) acres plus one (1) acre for each one hundred (100) permanent seats over three hundred (300) in the main assembly area. Adequate off-street parking shall be provided and shall meet the requirements of Article XXI of this Resolution. Fencing shall be provided to control accessibility of children to traffic, water impoundments and other hazardous conditions, and any other improvements necessary to protect users from harm or danger.~~

~~F. J. Model homes in subdivisions, the same being defined as residential-type structures used as sales offices by builders/developers and to display the builder/developer's product. The same may be furnished within, since its purpose is to display to prospective buyers the builder/developer's features (such as exterior siding treatments, roofing materials, interior trim, moldings, floor coverings, etc.) in the environment of a completed home. Model homes may be staffed by the builder/developer's sales force. Model homes shall be subject to the following restrictions:~~

1. Lighting - All exterior lighting must be downlighting, so that no light shall be cast onto adjoining residential properties. All off-street parking areas must be illuminated. All exterior lighting shall be extinguished at the closing time of the model home.
2. Parking – All model homes shall provide off-street paved parking for the public. Such off-street paved parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be six (6) per model home. The driveway of the model home may be utilized for not more than two (2) parking spaces.
3. Screening and Trash Receptacles – Landscape drawings shall be required and show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the model home lot. Trash receptacles shall be provided around the model home for use by the public.
4. Termination of Use – The use of model homes within a residential subdivision, or within any single phase of a multi-phase subdivision, shall terminate when building permits have been issued for ninety percent (90%) of the lots.

- 5. No building equipment or materials may be stored at the model home.

~~G. K.~~ Bed and Breakfast provided that:

- 1. Capacity – A maximum of eight (8) guests may be housed at any one time.
- 2. Lighting – All exterior lighting must meet the requirements of Article XXI of this Resolution.
- 3. Parking – All bed & breakfast homes shall provide off-street paved/gravel parking for the public. Such off-street paved/gravel parking shall be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be one (1) space per bedroom.
- 4. Screening and Trash Receptacles – Landscape drawings shall be required and shall show adequate landscaping and screening from adjoining residential lots, together with the clear marking of the boundaries of the bed and breakfast lot. Trash receptacles shall be provided around the bed and breakfast home for use by guests.

~~H. L.~~ Cellular telephone towers, when notification of objection to the siting of the cellular tower is met, per requirements of Section 519.211 of the O.R.C., cellular towers shall be located one thousand (1,000) feet from any residential lot line or any recorded platted residential subdivision lot. No tower shall be constructed to a height greater than the distance from the center of the base of the tower to the nearest property line of said tract.

~~I. M.~~ Public or private schools or colleges, provided that said institution occupies not less than twenty (20) acres.

~~J. N.~~ Institutional areas, whether improved with buildings or not, shall provide adequate parking area for faculty, staff and students. Such parking may not exist within the right-of-way of any road or highway. A site plan shall be prepared and submitted for consideration by the Board of Zoning Appeals and shall provide screening adjacent to residential areas.

~~K. O.~~ Non-commercial playgrounds, playfields, picnic areas, and summer camps with adequate off-street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions, and any other improvement necessary to protect users from harm or danger.

Section 8.05 – PROHIBITED USES

- A. Uses not specifically authorized by the express terms of this article of the Zoning Resolution shall be prohibited.
- B. Outdoor storage of junk motor vehicles, as defined by ORC 505.173, for a period exceeding fourteen (14) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- C. No motor home, trailer, or camper of any type may be occupied by a guest of the resident/owner for more than fourteen (14) days and only one (1) motor home, trailer, or camper is permitted at any one time.

- D. Except as specifically permitted by Section 8.03(E) or Section 8.04(C) herein, no manufactured/mobile home shall be placed or occupied in the FR-1 district.
- E. No trash, debris, refuse or discarded materials which create an eyesore, hazard or nuisance to the neighborhood or general public shall be permitted to accumulate or to be stored on any lot, parcel or portion thereof.
- F. In subdivided areas which meet the requirements of Section 711.131 of the Ohio Revised Code, the keeping of livestock and poultry is prohibited, except for the keeping of animals for youth club activities, such as 4H, FFA, or similar groups, which shall be a permitted use in the FR-1 district.
- G. No cultivators, processors, or retail dispensaries of medical marijuana, licensed under Ohio Revised Code Chapter 3796, shall be located nor operate in this district.

Section 8.06 – DEVELOPMENT STANDARDS

All lands and uses within the Farm Residential District shall be developed in compliance with standards hereinafter established:

- A. Lot Area – No parcel of land ~~in this district shall have which has~~ an area of less than two (2) net acres, excluding ~~all recorded road easements or and road rights-of-way. s in this district shall be used for residential purposes. All other uses in this district shall have such lot area prescribed by the article permitting the use or as prescribed by the Board of Zoning Appeals as a condition of said use.~~
- B. Lot Frontage – Except as hereinafter set forth all lots or parcels within this zoning district shall have the following minimum contiguous frontage:
 - Two (2) acres but less than three (3) acres: $\frac{1}{2}$ 175 feet;
 - Three (3) acres but less than four (4) acres: $\frac{1}{2}$ 210 feet;
 - Four (4) acres but less than five (5) acres: $\frac{1}{2}$ 250 feet;
 - Five (5) acres or larger: $\frac{1}{2}$ 300 feet.

Lots or parcels having less than the above listed minimum frontage on the right of way line of the adjoining approved easement, road or street must have a lot width **fifty (50)** feet forward of the front building line which is equal to that minimum lot frontage requirement. In no case shall the parcel or lot frontage at the right of way be less than sixty (60) feet, and width of sixty (60) feet shall not be decreased at any point forward of the front building line of the principal residence located on the premise. If an irregularly shaped (e.g. pie-shaped) lot located on a curve or cul-de-sac widens to the minimum lot width within seventy-five (75) feet of the nearest right of way line of adjoining roadway, the requirements for extra setback are required to conform with setback lines for principal structures on adjoining lots. Flag lots must be separated by a lot meeting the required footage at the right-of-way line on any road in the township.

- C. Building Height Limits – No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, grain bins, church spires, domes, flag poles, and elevator shafts, as permitted, are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

- D. Building Dimensions (Floor Space Requirements) – No dwelling shall be constructed in said zoned district of Harlem Township unless the same shall have at least the minimum square feet of living area, exclusive of basements, porches, breezeways, utility areas, and garages as set forth in the following schedule of dwelling types:

- 1 story – 1,500 square feet of living area above grade.
- Earth-berm and underground – 1,500 square feet of living area.
- 1 ½ story – 1,875 square feet of living area (with 1,125 square feet on the first floor above grade).
- Split-level – 2,000 square feet of living area (1,250 square feet above grade).
- Bi-level – 2,000 square feet of living area (with 1,250 square feet above grade).
- 2 story – 2,250 square feet of living area (with 1,125 square feet on the first floor above grade).

All dwellings shall include a garage (attached or unattached) of a minimum of four hundred (480) square feet complete with operating doors; this area is not to be included in the living area of the dwelling.

- E. Building Front Setback – No building, structure or use shall be located closer to the center line of the adjacent public or private road than permitted in Section 21.10 herein. ~~Furthermore, in the case of flag lots, the front setback shall be fifty (50) feet, measured from the point at which the lot meets the frontage requirements set forth in 8.06(B). the main building portion of a flag lot, excluding the driveway corridor, shall have a minimum setback distance of twenty-five (25) feet from the property lines on all sides.~~
- F. Side Yard Setback – ~~(Not applicable to flag lots)~~—No principal dwelling shall be located closer than twenty-five (25) feet to any side lot line. No accessory building shall be located closer than fifteen (15) feet to any side lot line.
- G. Rear Yard Setback – ~~(Not applicable to flag lots)~~—No principal dwelling shall be located closer than ~~fifty (50) eighty (80)~~ feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- H. Maximum Lot Coverage – On no lot or parcel in this zoning district shall buildings and paving be constructed which cover more than fifty percent (50%) of the parcel area. Structures or buildings shall cover not more than twenty-five percent (25%) of the parcel area.
- I. Parking – Off-street parking shall be provided at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Resolution.
- J. Signs – Except as provided under the provisions of this article for home occupation or as controlled by Article XXII of this Resolution and except as permitted by the Board of Zoning Appeals incidental to the Conditional Uses, no signs shall be permitted in this district except for “For Sale” or “For Rent or Lease” signs advertising the tract on which said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Board of Zoning Appeals, erect one sign not exceeding forty-eight (48) square feet in area per side advertising said subdivision, development or tract for sale.

- K. Lighting Standards – All exterior lighting shall meet the lighting requirements of ~~Section 21.14 Article XXI~~ of this Resolution.
- L. Landscape Standards – All yards of the home shall be landscaped and shall meet the landscape requirements of ~~Section 21.07~~ of this Resolution.

AMEND DEFINITIONS AS FOLLOWS:

(NEW) RESIDENTIAL FACILITY: As defined under ORC§5123.19 means a home or facility in which an individual with a developmental disability resides.

AGRICULTURE: ~~The use of land for~~As used in section ORC§519.02 to ORC§519.25 of the Revised Code, “agriculture” includes farming, ranching, algaculture meaning the farming of algae, aquaculture, ~~dairying, pasturage,~~ apiculture, horticulture, floriculture, viticulture, ~~and animal and or poultry~~ husbandry, including but not limited to, the care and raising of livestock, equine, and fur-bearing animals, poultry husbandry and the production of poultry and poultry products, dairy production, the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production, ~~and the necessary accessory uses for packing, treating, or storing the produce;~~ provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. However, the cultivation, processing or retail dispensing of medical marijuana, licensed under Ohio Revised Code Chapter 3796, shall not be permitted in any zoning district.

ARTICLE XV – PLANNED COMMERCIAL AND OFFICE DISTRICT (PCD)

Section 15.01 – PURPOSE

The Township, recognizing that with increased urbanization and population growth comes increased demands for well-organized commercial areas to provide employment, goods and services to area residents as well as to provide a balanced economy within the township hereby provides for the **Planned Commercial and Office District (PCD)**, intending hereby to promote the variety and flexibility of land development for commercial purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of Harlem Township.

The **Planned Commercial and Office District (PCD)** is adopted pursuant to O.R.C. 519.021(A) and the standards defined herein shall only apply to land within the Township after a Development Plan is properly filed and approved through the Amendment process defined in **Article XXIII**.

~~Section 15.02 – APPLICATION~~

~~This provision of the Zoning Resolution shall apply to all lands within the township which are to be used for commercial or office purposes and which are not regulated by the Neighborhood Office District or the Neighborhood Commercial District as therein before set forth in Articles XII and XIV of this Resolution.~~

Section 15.02 ~~3~~ - PERMITTED USES

Within the Planned Commercial and Office District (PCD) the following uses, developed in strict compliance with the approved development plan standards, shall be permitted. The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

- A. Commercial and office establishments of all types developed and maintained within an organized development of associated commercial activities in accordance with the approved development plan.
- B. Community facilities such as libraries, offices or educational facilities operated by a public agency or government.
- C. Commercial establishments normally associated with and intended to service the traveling public with motels, service stations, restaurants, travel trailer parks for overnight parking or any other allied activity.
- D. Hospitals, medical facilities, nursing homes and convalescent homes.
- E. Medical, dental and optical laboratories.
- F. Kindergarten or child care facilities.
- G. Other commercial ventures not provided by other sections of this Resolution if approved as part of the plan.
- H. Wholesale business, storage and warehousing.
- I. Apartments when the same are specifically designed as part of the architecture of the structure in a village setting. All living units constructed within this district shall contain the following minimum living area:

One (1) bedroom unit	1,000 Sq. ft.
Two (2) bedroom unit	1,125 Sq. ft.
Three or more bedroom units	1,250 Sq. ft.

No commercial or business activity shall be conducted in a unit designed for residential use without consent of the Zoning Commission.

- J. Temporary structures such as mobile offices and temporary buildings of a non-residential character may be used incidental to construction work on the premises or on an adjacent public project or during a period while the permanent structure is being constructed. The user of said structure shall obtain a **zoning** permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he/she deems necessary. The fees for such permits and renewals thereof shall be established by the Board of Township Trustees. Said temporary structures shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Board of Zoning Appeals as granted in compliance with the provisions of Article XXVIII of this Resolution.
- K. Other uses, which in the opinion of the Zoning Commission advance the purposes of the PCD District and are adequately designed, located and otherwise provided for by the Development Plan and other required documents.

Section 15.03 ~~4~~ - PROHIBITED USES

- A. No use not specifically authorized by the express terms of Article XV of the Zoning Resolution shall be permitted.
- B. Outdoor storage of junk motor vehicles, as defined by **O.R.C. 505.173**, for a period exceeding fourteen (14) days, is prohibited. Said vehicles if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to new or used motor vehicles stored or displayed pursuant to a legal sales or repair activity if such activities are carried out in compliance with the approved plan.
- C. Except as provided in the plan of development no trailer of any type, boats, motor homes or equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on said tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, or the development plan.
- D. Except as specifically permitted by Section 15.03 (J) or in the approved **Development Plan**, no manufactured/mobile office structure shall be placed or occupied in this district.
- E. No cultivators, processors, or retail dispensaries of medical marijuana, licensed under **O.R.C. ~~Ohio Revised Code Chapter~~ 3796**, shall be located nor operate in this district.

Section 15.04 6 - DEVELOPMENT STANDARDS

When a Planned District is utilized it shall be in a manner that avoids isolated development. Any proposed development shall include plans for necessary infrastructure improvements and shall have minimal negative impact on existing residential areas. Infrastructure improvements include, but are not limited to, adequate roadways, and central water and sewer. The preservation of open spaces, township roadscapes, cultural resources, and existing natural features, as well as provisions for present and future connectivity between neighboring developments and pedestrian access to any development, shall be priorities when considering a development plan. In addition to any other provisions of this Resolution the following standards are required in this district.

A. Minimum Development Size: Minimum tract size for a PCD development – One (1) acre. This minimum tract size may be reduced when proposed and developed adjacent to existing land zoned or developed for uses other than single-family residential development.

B. ~~H.~~ Setbacks: The physical relationships of the structures or use area(s) and their minimum yard spaces shall be developed in strict compliance with the table below unless a variance is requested and justified. ~~Development Plan or the provisions of Article XXI unless variance therefrom is approved.~~

Minimum Front Setback – existing township, county or state roads	100'
Minimum Front Setback – new collector, local or private roads	30'
Minimum Rear Setback (not abutting an existing state, county or township road)	25'
Minimum Side Setback (not abutting an existing state, county, or township road)	25'
Minimum Driveway Setback from Side Lot Line	5'

C. Perimeter Buffer: If the proposed development is adjacent to land developed as single-family homes, a minimum buffer of one hundred (100) feet is required. Such buffer shall require landscaping to minimize impacts on neighboring properties. The buffer may require mounding based on existing and proposed topography.

D. ~~I.~~ Building Height Limits: No building or structure in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of structure. Elevator shafts, aerials and antennas may be constructed to any safe height.

E. ~~J.~~ Building Dimensions: Buildings may contain such area of floor space as is approved in the development plan.

F. ~~K.~~ Landscaping: All yards, front, side and rear, shall be landscaped. Such details landscaped plans shall be submitted as part of the Development Plan. ~~with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.~~

G. ~~L.~~ Site Development: To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6 %) percent shall be maintained.

H. ~~M.~~ Parking: Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article XXI of this Resolution shall, when appropriate, be incorporated.

- ~~I. N.~~ Signs: Except as controlled by Article XXII of this resolution, no signs shall be permitted in this district except a “For Sale” or “For Rent or Lease” sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Zoning Commission, erect one sign not exceeding forty-eight (48) square feet in area per side advertising said subdivision, development or tract for sale.

- ~~J.~~ Service Areas, Production Areas, Storage Areas, Trash Containers, and Loading Zones: All such shall be located at the rear or the side of the building and shall be effectively screened on all sides from all adjacent property lines, existing or planned public rights-of-way and private streets. Such details shall be submitted as part of the Development Plan.

- ~~K.~~ Lighting: A lighting plan shall be submitted as a part of the Development Plan. All Exterior Lighting shall comply with these standards unless specifically exempted.

- ~~1.~~ All light fixtures shall be full cut-off type downlighting fixtures except for decorative light fixtures. All lighting shall be directed toward the ground or toward the interior of the parcel and shall be full cut off lighting. Uplighting shall be prohibited except for decorative lighting.
- ~~2.~~ Fixture Height: The fixture height in parking lots shall not exceed twenty (20) feet from the finished grade and in no case shall the fixture height exceed the height of the proposed building.
- ~~3.~~ Lumens: Light bulbs utilized PCD uses shall not produce more than 3,000 lumens. Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the lot line as demonstrated by a lighting plan:
 - ~~a.~~ The maximum illumination at a lot line that abuts a lot zoned or used for single-family purposes shall be point three (0.3) foot-candles as measured from the lot line.
 - ~~b.~~ The maximum illumination at a lot line that abut existing or zoned non-residential development shall be one (1.0) foot-candles as measured from the lot line.
 - ~~c.~~ The maximum illumination at a lot line for properties used for outdoor sports and recreation shall be reviewed for compliance with regard to the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.
- ~~4.~~ All non-essential outdoor lighting fixtures for non-residential uses, including lighting for parking areas, signs, displays, and aesthetic lighting, shall be turned off after business hours. Only lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced by 50%. Automatic shut-off fixtures, auto-dimming to adjust lighting based on ambient lighting and the use of as little lighting as necessary without creating safety issues is encouraged.

- ~~K. O.~~ The Township Zoning Commission and/or the Board of Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed, landscaping, development, improvement, and maintenance of common open space, and any other pertinent development characteristics.

- ~~L.~~ Other External Impacts, as regulated in Section 21.16.

- ~~A. Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provisions of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.~~
- ~~B. Air Pollution: No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.~~
- ~~C. Glare, Heat, and Exterior Light: Any operation producing intense light or heat such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.~~
- ~~D. Dust and Erosion: Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.~~
- ~~E. Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.~~
- ~~F. Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.~~
- ~~G. Odors: No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.~~

Section 15.05 – PROCEDURE

In addition to any other procedures set out in this Resolution, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

- ~~A. Application: The owner or owners of land within the township may request that the zoning map be amended to include such tracts in the Planned Commercial and Office District in accordance with the provisions of this Resolution.~~
- ~~— The applicant is encouraged to engage in informal consultations with the Zoning Commission and Regional Planning Commission, prior to formal submission of development plan and request for an amendment of the zoning map, it being understood that no statement by Officials of the Township or the County shall be binding upon either.~~
- ~~B. Development Plan: One original and thirteen (13) copies of the development plan shall be submitted to the Zoning Commission with the application, which plan shall include in text and map form the following:~~

- ~~1. The proposed size and location of the Planned Commercial and Office District.~~
 - ~~2. The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum setback requirements, and other development features including landscaping.~~
 - ~~3. Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.~~
 - ~~4. The proposed provisions for water, fire hydrants, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.~~
 - ~~5. The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographical and otherwise.~~
 - ~~6. The relationship of the proposed development to existing and probable uses of surrounding areas.~~
 - ~~7. Location of schools, parks and other facility sites, if any.~~
 - ~~8. The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.~~
 - ~~9. If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give township officials definitive guidelines for approval of future phases.~~
 - ~~10. The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.~~
 - ~~11. Specific statements of divergence from the development standards in Article XXI and/or XXII or existing county regulations or standards and the justification therefor. Unless a variation from these development standards is specifically approved the same shall be complied with.~~
 - ~~12. Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of the public service facilities to be constructed within the project by the developer.~~
- ~~C. Criteria for Approval: In approving an application for a Planned Commercial and Office District, the reviewing authorities shall determine:~~
- ~~1. If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Resolution.~~
 - ~~2. If the proposed development conforms to the intent of the comprehensive plan or portion thereof as it may apply.~~
 - ~~3. If the proposed development advances the general welfare of the township and the immediate vicinity.~~

~~D. Effect of Approval: The Development Plan as approved by the Zoning Commission and the Township Trustees shall constitute an amendment to the Zoning Resolution as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Delaware County, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and land shall automatically revert to the previous District unless the application for time extension is timely submitted and approved.~~

~~E. Extension of Time or Modification: An extension of time limit as a modification of the approved development plan may be approved by the Zoning Commission and the Township Trustees. Such approval shall be given only upon finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Township Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 15.05(D) as therein before set forth.~~

~~F. Plat Required: In the Planned Commercial and Office District (PCD) no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Delaware County, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:~~

- ~~1. Site arrangement, including building setback lines and space to be built upon within the site, water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities, easements, access points to public right-of-way, parking areas and pedestrian ways, and land reserved for non-highway service use with indication of the nature of such use.~~
- ~~2. Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.~~
- ~~3. In the event that public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officers in a satisfactory amount assuring expeditious completion of said facilities within one (1) year after the recording of said plat. In no event, however, shall any zoning certificate of compliance be issued for any building or use until such time as the facilities for the phase in which the building is located are completed.~~

~~G. Modification of Development Plan~~

- ~~1. An extension of the time limit for the approved Final Development Plan may be granted by the Township Zoning Commission without public hearing provided they find that such extension is not in conflict with public interest.~~
- ~~2. A request for modification of an approved development plan may be submitted to the Zoning Commission by the owners of the proposed development (owners are the developer or the entity to which the developer transfers ownership or otherwise legally assigns the right of representation, e.g., another developer, a homeowners association or group of designated trustees) or by signed petition from at least 51% of the current property owners in the development. At the time the request for modifications is submitted, the requestor must submit a written notarized statement indicating that all individual property owners in the development have been notified that a request for modification of the development plan has been submitted. Such notice must contain the specific modification that is being requested.~~
- ~~3. A request for minor changes to the Development Plan may be approved by the Zoning Commission without being subject to the same procedures as the original application.~~
- ~~4. In the case of a request for a modification or amendment to the approved Development Plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall utilize the same procedures and criteria as established for the approval of the original Development Plan. Substantial departures from the original application include, but are not limited to, the following:
 - ~~A. A change in the use or character of the development;~~
 - ~~B. An increase in overall lot coverage of structures and off-street parking;~~
 - ~~C. An increase in the density;~~
 - ~~D. An increase in the problems of traffic circulation and public utilities;~~
 - ~~E. A reduction in approved open space;~~
 - ~~F. A reduction of off street parking and loading space;~~
 - ~~G. A reduction in required pavement widths;~~
 - ~~H. A reduction of the acreage in the planned development;~~
 - ~~I. Any other departure from the approved Development Plan which is deemed substantial by the Zoning Commission.~~~~

~~H. Administrative Review~~

- ~~1. All plats, construction drawings, restrictive covenants, a subdivision plan, and other necessary documents shall be submitted to the Zoning Inspector, the Zoning Commission or their designated technical advisors for administrative review to ensure substantial compliance with the Development Plan as approved.~~

