

Amendment Package, November 2024

[ARTICLE V]

Section 5.01 – ZONING DISTRICTS

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

AR-1	Agricultural Residential District
FR-1	Farm Residential District
R-2	Low Density Residential District
HCVR-1	Harlem and Center Village Residential District
PRD	Planned Residential District
PUD	Planned Unit Development
PRCD	Planned Residential Conservation District (Overlay)
C-1	Neighborhood Office District
C-2	Neighborhood Commercial District
HCVC	Harlem and Center Village Commercial District
PCD	Planned Commercial and Office District
I	Industrial District
PID	Planned Industrial District
CRCD	Clustered Residential Conservation District (Overlay)
MU	Mixed-Use Overlay District
CLR	County Line Road Overlay District

[ARTICLE VI]

Section 6.02 – AGRICULTURE

Except as noted below, nothing contained in this Resolution shall prohibit the use of any land for agricultural purpose or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such use, building or structure. In accordance with Section 519.21(D) of the Ohio Revised Code (effective September 8, 2016), Harlem Township prohibits the cultivation, processing, or retail dispensing of medical marijuana within the unincorporated areas of the township.

Agricultural activities may be prohibited or regulated in some zoning districts. The following statement is from Section 519.21 of the Ohio Revised Code:

The township zoning resolution, or an amendment to such resolution, may in any platted subdivisions approved under Section 711.05, 711.09, or 711.10 of the Ohio Revised Code, or in any area consisting of fifteen or more lots approved under Section 711.131 ~~(711.13.1)~~ of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:

[ARTICLE X]

ARTICLE X – PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

Section 10.01 – PURPOSE

The provisions of this Article establish the authority and standards for the submission, review, and approval of applications for a Planned Unit Development (PUD). A PUD shall be serviced by infrastructure features consistent with the Township’s Comprehensive Plan.

The Planned Unit Development District (PUD) is adopted pursuant to ORC 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.

The PUD District is offered as an option to the requirements of the standard zoning districts for the purposes of:

- A. Encouraging greater flexibility and innovation in land use planning and development while ensuring that the health, safety, and general welfare of the township’s residents are considered;
- B. Promoting conservation of natural features and natural resources, including (but not limited to) topography and geologic features, scenic vistas, trees and other vegetation, wetlands, floodplains, and drainage patterns;
- C. Promoting preservation of cultural resources, including (but not limited to) archaeological sites, historic buildings, cemeteries, and other features that express the township’s rural heritage and community identity;
- D. Encouraging the economical and efficient use of land and resources while providing a harmonious variety of housing choices and the integration of necessary community and neighborhood commercial facilities;
- E. Promoting greater compatibility of design and uses between neighboring properties;
- F. Encouraging safe and convenient pedestrian-oriented connections between neighborhood developments; and
- G. Promoting the preservation of open space for parks, recreation, or agriculture.

Section 10.02 – PERMITTED USES

Within the Planned Unit Development District, the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- A. Single-family or multi-family permanent dwellings, including detached, semi-detached, attached, cluster, patio, common wall or any reasonable variation on the same theme, also including permanently sited manufactured homes;
- B. Accessory buildings associated with permitted uses;

- C. Home occupations conducted by the resident of a permitted dwelling are subject to the conditions and restrictions imposed by the Board of Zoning Appeals pursuant to the provisions of Article XXVIII and Section 9.04(A) of this Resolution;
- D. Non-residential uses of a cultural, educational, or recreational nature or character to the extent that they are designed and intended to serve primarily the residents of the PUD District and local community;
- E. Non-residential uses of a religious nature;
- F. Common open spaces for passive or active recreational purposes, or for the purposes of conserving significant natural or cultural resources or agricultural land;
- G. Uses permitted in the Neighborhood Office (C-1) and Neighborhood Commercial (C-2) Districts in this Resolution **as regulated by Section 10.04 D. and** to the extent that they are designed and intended to serve primarily the residents of the PUD District and local community, and provided that the proposed location and use will not adversely impact adjacent property; and
- H. Other uses which, in the opinion of the Zoning Commission, advance the purposes of the PUD District and are adequately designed, located and otherwise provided for by the Development Plan and other required documents.

Section 10.03 – PROHIBITED USES

Uses not provided for in Section 10.02 of this Article shall not be permitted in the PUD District. In addition:

- A. No outdoor storage of inoperable or unlicensed motor vehicles shall be permitted. All such vehicles shall be stored in a completely enclosed building so as not to be visible from any adjoining property or public road;
- B. No outdoor storage of commercial trailers, commercial tractors, or construction equipment shall be permitted. All such vehicles shall be stored in a completely enclosed building so as not to be visible from any adjoining property or public road; and
- C. No trash, debris, unused property, or discarded materials shall be permitted to accumulate on any property within the PUD District.
- D. 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 10.04 – DEVELOPMENT STANDARDS

When a **PUD ~~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. The following standards for the arrangement and development of land and buildings apply to the PUD District. When not specifically supplanted by the following standards, the General Development Standards described in Article XXI of this Resolution shall apply.

- A. **Minimum gross tract size for a PUD** district shall be **forty (40)** acres of contiguous land, unless the Zoning Commission finds that consideration of a PUD on lesser acreage substantially accomplishes the intent of the Harlem Township Comprehensive Plan, adheres to the purposes outlined in Section 10.01 of this Resolution, and permits an improved layout of land uses, roadways, or other site features that could not otherwise be achieved under normal zoning.
- B. **Density, Lot and Yard Areas:** The overall density of the tract covered by the Development Plan may not exceed **two (2) dwelling units/net developable acre (NDA)**. The minimum lot area for each dwelling unit may be reduced to any size which is justified in an approved Development Plan, ~~provided the overall density of the tract covered by the Development Plan does not exceed two dwelling units/net developable acre (NDA).~~ **Yards Lots** abutting the boundaries of the tract included in the Development Plan shall not be less than the minimum **rear setback** requirements for the abutting District. In addition, the front yard setback for all lots abutting an existing public road shall conform to the requirements of the General Development Standards (**Article XXI**) of this Resolution.
- C. **Open Space:** At least twenty-five (25) percent of the gross area of the tract included in the Development Plan shall be designated as open space, including areas preserved in their natural state and areas developed for recreational purposes, but at least half (1/2) of the open space area must be preserved in a natural state. Up to one-third (1/3) of land within the one-hundred-year floodplain may be included in the open space calculation. The open space shall be of a size, shape, topography, and location which makes it suitable, useful, and accessible to the public as designated.
- D. **Parking:** A minimum of a **four hundred eighty (480)** square foot garage per dwelling unit and sufficient parking spaces for visitors, employees, and customers shall be provided. The standards contained in Article XXI Section 21.02 shall apply unless clearly inappropriate.
- E. **Maximum Percentage of PUD Utilized for Commercial or Office Uses:** Unless otherwise authorized by the Zoning Commission, no more than twenty (20) percent of the buildable tract area shall be utilized for commercial or office uses.
- F. **Flood plains shall be regulated as defined in Section 21.09.**
- ~~Flood Plains and Environmentally Sensitive Areas: from building or pavement encroachment. A riparian buffer should be provided along the entire length on both sides of a perennial or intermittent stream channel. The buffer area should have a width of not less than fifty (50) feet as measured from the stream bank. Runs and ditches where water flows only during rainstorms should have a buffer of thirty-five (35) feet. These buffer areas should be restricted from development and managed to promote the growth of vegetation indigenous to the area which is capable of maintaining the structural integrity of the stream bank. A wetlands buffer should be provided for all wetlands required to be retained by the U.S. Army Corps of Engineers (USACOE) or the Ohio Environmental Protection Agency (OEPA). The buffer should have a width not less than twenty-five (25) feet, measured from the edge of the designated wetland. Existing trees should be preserved and protected to the extent practicable; buffer areas should not be mowed.~~
- G. **Other External Impacts** as regulated in Section 21.16.

~~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 EPA shall be adhered to.~~

~~Section 10.05 – APPLICATIONS~~

~~The provisions of this article of the Zoning Resolution shall apply only to land in the Township which has been rezoned (pursuant to ORC 519.12) to Planned Unit Development District, as authorized by ORC 519.021(A), at the election of the owner. Furthermore,~~

~~Section 10.06 – APPLICATION PROCEDURE FOR AMENDING TO PLANNED UNIT DEVELOPMENT DISTRICT~~

~~The application shall be completed in a two step process. Step one requires the submission of a proposed Development Zoning Plan as outlined in Section 10.06(D). The proposed Development Zoning Plan is subject to approval by the Zoning Commission and the Township Trustees. Step two takes place after the property has been rezoned and will include the proposed Development Plan as outlined in Section 10.09(B). The proposed Development Plan is subject to approval by the Zoning Commission.~~

- ~~A. Subject to O.R.C. 121.22 (Ohio’s Open Meetings Law), the applicant is encouraged to engage in informal consultations with the Zoning Commission and Delaware County Regional Planning Commission (DCRPC) prior to formal submission of a Development Zoning Plan requesting an amendment of the zoning map. The purpose of such consultation is to exchange information and provide guidance to the applicant that will assist in preparation of application materials, it being understood that no statement by officials of the Township, DCRPC, or Delaware County shall be considered legally binding commitments.~~

- ~~B. To apply for the development of a Planned Unit Development District in Harlem Township, the owner of the property shall file an application to rezone the land to Planned Unit Development District (PUD) in accordance with the procedure outlined in ORC 519.12 and in Article XXVII of the Harlem Township Zoning Resolution.~~

- ~~C. The application for rezoning to a Planned Unit Development District shall contain the following:
 - ~~1. Name, address, and telephone number of the landowner.~~
 - ~~2. Legal description and address of the property to be rezoned.~~
 - ~~3. Present zoning district, description of existing uses, and total area of the property to be rezoned.~~
 - ~~4. A vicinity map at a scale approved by the Zoning Commission showing existing roads and adjoining properties.~~
 - ~~5. The names and addresses of all property owners as shown on the current county tax list, that are adjacent, adjoining, contiguous to, and/or across from the property to be rezoned.~~
 - ~~6. Any other matter or information necessary and relevant to the Zoning Commission for the proposed amendment.~~~~

~~D. Proposed Development Zoning Plan. In addition to the application required herein, the applicant shall file a number of copies as determined by the Zoning Commission one (1) original and thirteen (13) copies of a proposed Development Zoning Plan with the Zoning Commission. The proposed Development Zoning Plan shall include in text and map form:~~

- ~~1. The size and location of the property to be rezoned;~~
- ~~2. A list and description of the precise land uses proposed for the development, including an approximation of the acreage for each use. Listed uses shall be defined by their customary name or identification, except where they are specifically defined or limited in the Development Zoning Plan or in the Harlem Township Zoning Resolution. Any listed use may be limited to specific areas delineated in the proposed Development Zoning Plan;~~
- ~~3. The general development character of the property proposed to be rezoned to a PUD District, including the overall lot sizes, building size limitations, height and lot coverage restrictions, minimum perimeter setback requirements and other general development features including landscaping, screening, and buffering from adjacent properties;~~
- ~~4. General architectural design criteria for all structures and criteria for proposed signs and exterior lighting with proposed control features;~~
- ~~5. Proposed provisions for water, sanitary sewer, surface drainage, and other utilities, including location of detention areas, with general engineering feasibility studies or other evidence of reasonableness;~~
- ~~6. The proposed traffic patterns showing public and private streets, parking areas, walks, and other transportation facilities, including their relationship to existing conditions, topographically and otherwise;~~
- ~~7. The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable;~~
- ~~8. Location of parks and other public facilities, if any;~~
- ~~9. An inventory and map of existing site features, including general soil types, fish and wildlife habitats, proposed and existing storm water facilities, water features (such as ponds, wetlands, and permanent or intermittent watercourses), areas subject to flooding, natural features (such as trees/woodlands, major rock outcrops, and similar irreplaceable amenities), cultural features (such as historic structures, archaeological sites, or similar heritage resources), and approximate locations of nearby structures;~~
- ~~10. The proposed time schedule for development of the site including streets, buildings, utilities, and other facilities and the proposed maintenance plans for areas not being immediately developed. When the PUD is to be constructed in stages during a period of time extending beyond a single construction season, a schedule for the development of such stages or units shall be submitted, stating the approximate beginning and completion date for each such stage or unit and the proportion of the total PUD public or common open space and dwelling units to be provided or~~

~~constructed during each such stage and the overall chronology of development to be followed from stage to stage;~~

~~11.—Evidence the applicant owns the land; evidence the applicant has the financial resources to implement the Development Zoning Plan; and evidence of the engineering feasibility of the Development Zoning Plan;~~

~~12.—A fee as established by the Harlem Township Trustees; and~~

~~13.—Any additional information as may be required by the Zoning Commission.~~

~~Section 10.07—BASIS OF APPROVAL~~

~~In approving an application for a PUD District, the reviewing authorities shall consider:~~

~~A.—If the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of the Harlem Township Zoning Resolution;~~

~~B.—If the proposed development is consistent with the Harlem Township Comprehensive Plan;~~

~~C.—If the proposed development promotes the public health, safety, and general public welfare, with particular attention to the immediate vicinity of the proposed development area;~~

~~D.—If the proposed development is in keeping with the existing land use character and physical development potential of the area;~~

~~E.—If the proposed development will be compatible in use and appearance with surrounding land uses;~~

~~F.—If the proposed plan meets all of the design features required in this Resolution;~~

~~G.—If the proposed development promotes greater efficiency in providing public and utility services;~~

~~H.—If the proposed development encourages innovation in land use planning and promotes the conservation of natural and cultural resources;~~

~~I.—If the proposed development consolidates and maximizes useable open space;~~

~~J.—If the proposed development provides for safe and convenient pedestrian access throughout the PUD district and provides connections to neighboring developments and community facilities;~~

~~K.—If the development can be made accessible through existing or future public roadways without creating unreasonable traffic congestion in the immediate vicinity of the proposed development or elsewhere in the Township; _____~~

~~L.—If the development is located and designed in such a way as to minimize negative impact on existing residential areas of the Township; and~~

~~M.—If the benefits, improved arrangement, and design of the proposed development justify rezoning the property to the PUD District.~~

Section 10.08 — EFFECT OF APPROVAL

- ~~A. — The Development Zoning Plan, as approved by the Township Trustees, shall constitute a rezoning of the subject tract to the PUD District, permitting development and use of said land and any structures thereon in accordance with the development standards contained in the Development Zoning Plan. Thirty (30) days following approval of the Development Zoning Plan by the Harlem Township Trustees and where no referendum has been filed, the Trustees shall cause the zoning map to be changed to a PUD designation so that the previous Zoning District of the property shall no longer apply. However, no use shall be established or changed, and no structure shall be constructed or altered on any part of said tract until a Development Plan for the tract is submitted to and approved by the Zoning Commission.~~

- ~~B. — In the event a referendum might be filed in response to the rezoning, The PUD rezoning shall not be effective and the zoning map shall not be changed until thirty (30) days following approval by the Harlem Township Trustees or, if a referendum is filed within such thirty (30) day period, the PUD rezoning shall be effective and the zoning map changed on the first business day after certification from the Board of Elections that said referendum has failed.~~

- ~~C. — The approval of the Development Zoning Plan shall be for a period of two (2) years, or for such other period as set forth in the approved Development Zoning Plan, to allow the preparation of the required Development Plan. Unless the Township Trustees approve an extension of this time limit, upon expiration of such period, no use shall be established or changed and no building, structure, or improvement shall be constructed until an application accompanied by a new Development Zoning Plan has been filed with and approved by the Township. Such application shall be subject to the same procedures and conditions for approval as an original application for amendment to a PUD District. The new application shall comply with the terms of the Zoning Resolution in effect at the time of filing, including any zoning amendments enacted from and after the date of the initial request to rezone the property. In addition, the Township Trustees or Zoning Commission may initiate a zoning amendment to rezone the property to its former (or another similar) classification upon expiration of the Development Zoning Plan approval period.~~

Section 10.09 — SUBMISSION OF DEVELOPMENT PLAN

- ~~A. — In the PUD District, no use shall be established or changed and no structure shall be constructed or altered until a Development Plan for each such use and/or structure has been approved by the Zoning Commission.~~

- ~~B. — An application for approval of the Development Plan may be filed no sooner than the first business day following the effective date of the rezoning of the property to a PUD District.~~

- ~~C. — One (1) original and thirteen (13) copies of the application for approval of the Development Plan shall be submitted to the Zoning Commission. The Development Plan must be substantially similar to the previously submitted Development Zoning Plan and shall include in map and text formats the following information:
 - ~~1. — Proposed name of the development and its location;~~

 - ~~2. — Names and addresses of owners and developers;~~

 - ~~3. — A site survey with maps showing the location of all existing natural features of the tract including wooded areas, large trees (trunk diameter of 12 inches and greater), streams, wetlands,~~~~

- floodplains, ravines, roadside trees, existing historical structures, and archaeological sites, and a description of the proposed protection and/or use of these natural and cultural features in the development;
- ~~4. The general development character of the tract including the specific limitations or controls to be placed on residential and other uses, with lot sizes and other development features and restrictive covenants applicable to the project;~~
 - ~~5. A site plan containing the location and dimensions of all buildings, structures, driveways, parking areas, parks and other public open spaces, bike paths and walking trails that encourage connectivity within the development and with neighboring areas, utility rights of way or easements, and other physical features, and (where not apparent) a description of their proposed use;~~
 - ~~6. Building setback lines with dimensions of lots and structures;~~
 - ~~7. Architectural design criteria for all structures and criteria for proposed signs and lighting with proposed control procedures;~~
 - ~~8. Landscaping plans, including a site grading plan at two foot contour intervals, landscape designs, and provisions for long-term maintenance. A statement describing the provisions that are to be made for the care and maintenance of common open space or service facilities shall be provided. If it is proposed that such open space or service facilities be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted;~~
 - ~~9. The proposed provisions for water, sanitary sewer, and surface drainage, including storm water retention facilities with engineering feasibility studies or other evidence of reasonableness and lack of adverse impact on neighboring properties;~~
 - ~~10. The proposed traffic patterns including an access plan for the development showing public and private roads and other transportation facilities and parking areas. The relationship of the proposed public and private roads and other transportation facilities to existing public roads and any improvements to such roads shall be indicated. If temporary access roads are required during phased construction, the applicant is responsible for restoring these areas to natural landscaping when these service roads are no longer needed for construction access. All restoration shall be completed within ninety (90) days of the completion of the PUD District Phase for which the road was necessary;~~
 - ~~11. The relationship of the proposed development to existing and probable uses of surrounding areas during and after the development;~~
 - ~~12. Any special accommodations and access requirements for emergency and firefighting equipment as required by the Harlem Township Fire Chief;~~
 - ~~13. Intended measures to screen ground level and rooftop mechanical equipment from view;~~
 - ~~14. Provisions for the parking and/or storage of trailers of any type, boats, or recreational vehicles;~~

- ~~15.—Reports prepared by appropriate professionals for an environmental impact study, a cultural resources management survey, and a traffic analysis. Furthermore, the applicant is responsible for notifying any state or federal agencies that may be involved in permitting, licensing, or funding the project that the Township Trustees request status as a consulting party for the project;~~
- ~~16.—The proposed timetable or schedule for the proposed development, including street and transportation facilities, buildings, utilities, and other facilities, and removal of construction materials, equipment, trailers, and offices;~~
- ~~17.—If the proposed timetable for development includes plans to develop the land in phases, all phases shall be fully described in text and map formats and each phase shall require approval of a Development Plan for that phase pursuant to the procedures set forth herein. Unless otherwise specified in the Development Zoning Plan or absent an extension approved by the Zoning Commission, all phases shall be submitted for and receive Development Plan approval within the time frame set forth in Section 10.08(c). An application for Development Plan approval for each phase of a project shall annotate the “as built” conditions and shall be supplemented with an updated construction schedule;~~
- ~~18.—The proposed provision for the ownership and maintenance of open space as listed in Section 21.13 of this resolution;~~
- ~~19.—A fee as established by the Harlem Township Trustees; and~~
- ~~20.—Any additional information as may be required by the Zoning Commission.~~

Section 10.10 — PROCESS FOR APPROVAL

- ~~A.—The Zoning Commission shall hold such public meetings with the applicant as may be necessary to thoroughly review the Development Plan. Amendments to the Development Plan are permitted with the approval of the Zoning Commission.~~
- ~~B.—The applicant shall be responsible for all reasonable and necessary expenses incurred by Harlem Township in using professional consulting services to review the Development Zoning Plan and/or Development Plan. These expenses may include, without limitation, costs for professional consultants such as architects, landscape architects, planners, surveyors, traffic engineers, cultural resource professionals, environmental specialists, and others utilized by the Township in connection with reviewing the Development Zoning Plan or Development Plan and related application materials. As soon as reasonably practicable following the submission of an application for approval of a Development Zoning Plan or Development Plan, the Zoning Commission shall decide if it needs a professional consultant(s) to assist it in reviewing the application.~~
- ~~C.—Upon application by the owner(s), the Zoning Commission may extend the time limit provided by Section 10.08(C). Such extension may be given upon showing of the purpose and necessity for same and upon evidence that the owner(s) has made reasonable efforts toward the accomplishment of the original approved Development Zoning Plan, and that such extension is not in conflict with the health, safety, and general welfare of the public or the development standards of the PUD District.~~

~~D. The Zoning Commission, in reviewing the plan, shall consider, in addition to the general intent and purpose of the Planned Unit Development District, the following factors:~~

- ~~1. Whether the total area to be covered by buildings, structures, or pavement allows sufficient open space for green areas and access of light and air.~~
- ~~2. Whether the proposed density of residential dwelling units is so at variance with that allowed in other districts in the township that it will result in excessive noise, traffic congestion, or lack of access for fire and emergency medical vehicles.~~
- ~~3. Whether there is sufficient screening of refuse containers, utilities, facilities, and parking areas so as to reduce visual clutter to the minimum which is practical.~~
- ~~4. Whether the height, setbacks, and distance between buildings are sufficient to allow space for pedestrian and motor vehicle travel.~~
- ~~5. Whether number, location, size, and use of buildings will create a satisfactory living arrangement and not adversely impact the enjoyment and value of adjacent or nearby properties.~~
- ~~6. Whether the average lot size is so significantly at variance with the size of residential lots in other districts in the township as to adversely impact a lot's resale value or the resale value of nearby properties.~~
- ~~7. Whether proposed lighting is adequate to promote safety of residents but is adequately shielded and directed so as not to interfere with the enjoyment of residents of the development and nearby properties.~~
- ~~8. Whether all utilities are installed underground and whether above ground facilities are located and screened so as to minimize their visual effect.~~
- ~~9. Whether landscaping and green areas are adequate and the provisions for their long-term maintenance are appropriate.~~
- ~~10. Whether any lesser floor area in residential dwelling units than is allowed in other districts in the township is justified by the overall development plan.~~
- ~~11. Whether signs included in the project comply with Article XXII of this Resolution or, if not in compliance, are consistent with the overall purpose of the sign regulations so as not to distract from the project or adversely affect neighboring properties.~~
- ~~12. Whether adequate requirements for parking, including sufficient spaces for visitors, employees, and customers, are provided.~~
- ~~13. Whether the streets, driveways, and maneuvering lanes are adequate in width and show a pattern of traffic flow which will minimize congestion and maximize public safety.~~
- ~~14. Whether adequate access for emergency vehicles is provided.~~

- ~~15.— Whether pedestrian walkways are provided that minimize conflict with vehicular traffic.~~
- ~~16.— Whether all appropriate steps have been taken to minimize any adverse effect on adjoining or neighboring properties.~~
- ~~17.— Whether adequate provision has been made for ownership and maintenance of open space.~~
- ~~18.— Whether the Development Plan is at such variance from the approved Development Zoning Plan as to show an intent to deceive the Zoning Commission during the approval process of the rezoning application.~~

~~E.— The Zoning Commission shall approve the Development Plan if it is in compliance with the purpose and standards of this Article and substantially conforms to the approved Development Zoning Plan. Upon approval of the Development Plan, the Zoning Commission shall direct that a zoning permit be issued for the project. If the Zoning Commission finds that the Development Plan does not meet the criteria of this Article and the approved Development Zoning Plan, the Zoning Commission shall not approve the Development Plan until it is brought into substantial compliance with the Development Zoning Plan upon which the rezoning was based. The final decision of the Zoning Commission in denying approval of a plan shall be appealable to Common Pleas Court pursuant to O.R.C. Chapter 2506.~~

Section 10.11 — MODIFICATION OF DEVELOPMENT PLAN

- ~~A.— 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.~~
- ~~B.— 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.~~
- ~~C.— 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.~~
- ~~D.— 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:
 - ~~1.— A change in the use or character of the development;~~
 - ~~2.— An increase in overall lot coverage of structures and off-street parking;~~~~

- ~~3. An increase in the density;~~
- ~~4. An increase in the problems of traffic circulation and public utilities;~~
- ~~5. A reduction in approved open space;~~
- ~~6. A reduction of off street parking and loading space;~~
- ~~7. A reduction in required pavement widths;~~
- ~~8. A reduction of the acreage in the planned development;~~
- ~~9. Any other departure from the approved Development Plan which is deemed substantial by the Zoning Commission.~~

Section 10.12 – ADMINISTRATIVE REVIEW

- ~~A. Upon project completion, all plats, construction drawings, restrictive covenants, an “as built” plat 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;~~
- ~~B. The Township Zoning Commission 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.~~

[ARTICLE XVII]

ARTICLE XVIII – PLANNED INDUSTRIAL DISTRICT (PID)

Section 18.01 – PURPOSE

In the creation of the Planned Industrial District it is the intention and desire of the Harlem Township Zoning Commission to provide those reasonable conditions under which well-planned industrial areas can develop for the greatest benefit of the entire township so that the health, safety and general welfare of all inhabitants of Harlem Township may be preserved.

Section 18.02 – APPLICATION

The provisions of this article shall apply to all lands of the township regardless of the size of the tract, and the owner may elect to submit his application for change in the zoning under the provisions of this article or the provisions of Article XVII.

The **Planned Industrial District (PID)** is adopted pursuant to ORC 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 18.03 – PERMITTED USES

Within the Planned Industrial District (PID) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- A. Manufacturing, processing, warehousing and industrial service activities located and maintained within the limits of the development standards of these Planned Industrial District Regulations.
- B. Commercial establishments normally associated with and designed to serve the industrial establishments or their employees and approved as part of the development plan such as financial institutions, restaurants, gasoline service stations, automobile repair establishments, recreation or other personal enrichment facilities, provided such establishments or facilities are established primarily for employees of industrial establishments or in conjunction with commercially operated recreation establishments developed as part of the approved plan for the Planned Industrial District.
- C. 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 adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than three times. Renewal of the permit shall be at the discretion of the Zoning Inspector upon 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 permit 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
- D. Sanitary landfills provided that all required licenses and approvals are issued by appropriate state agencies. In addition to requirements imposed by state agencies the Zoning Commission may require such screening as is necessary to protect adjacent neighborhoods.
- E. Any manufacturing process not already provided for or prohibited by this Resolution.
- F. Any use of an industrial or a commercial nature not already provided for by this Resolution.
- G. Other uses which, in the opinion of the Zoning Commission advance the purposes of the PID District and are adequately designed, located and otherwise provided for by the Development Plan and other required documents.

Section 18.04 – PROHIBITED USES

- A. No use not specifically authorized by the express terms of this article of the Zoning Resolution shall be permitted.
- B. Except as approved in the development plan the outdoor storage of any inoperable, or unlicensed motor vehicle, including trailers detached from semi-tractors, for a period exceeding fourteen (14) days is prohibited.
- C. Except as provided in the plan of development no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If

a structure is located on the tract of land or lot, the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed, or the development plan.

- D. Residential uses of any kind.
- E. Except as specifically permitted by Section 18.03 (C) or in the approved development plan no manufactured/mobile office or temporary structure 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 18.05 – 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 development standards imposed or approved as part of the plan of development, the followings standard shall apply:

- A. ~~H.~~ Front Setback: No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Article XXI herein.
- B. Side Setback: Unless approved in the Development Plan, there shall be a side yard of not less than fifty (50) feet on each side. No buildings, outdoor storage area or required off-street parking shall encroach in said side yard. ~~The physical relationships of the structures or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan or the provisions of Article XXI unless variance therein is approved.~~
- C. Rear Setback: No principle building shall be located closer than thirty (30) feet to the rear line of any lot. No accessory buildings, outdoor storage area, or off-street parking may encroach in the prescribed rear yard except unless approved as part of the Development Plan.
- D. ~~I.~~ Building Dimensions: Buildings may contain such area of floor space as approved in the development plan.
- E. ~~J.~~ Landscaping: All yards, front, side and rear, shall be landscaped, and all organized open spaced of non-residential use areas shall be landscaped. Such landscaped plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.
- F. ~~K.~~ Site Development: To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six (6%) percent shall be maintained.
- G. ~~L.~~ 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.

- H. ~~M.~~ 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.

- I. ~~N.~~ 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 spaces, and any other pertinent development characteristics.

- J. Other External Impacts, as regulated in Section 21.16.

Section 18.05 – 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 of lots and lands within the township may request that the zoning map be amended to include such tracts in the Planned Industrial 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 a 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 Industrial 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 set back 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 parks and other public 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 the 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 or XXII or existing county regulations or standards. Unless a variation from the 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 Industrial 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 18.06(d) as herein before set forth.~~

~~F. Plat Required: In the Planned Industrial District (PID) 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.~~
- ~~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 be issued for any building until such time as the facilities for the phase in which the building is located are completed.~~

~~G. Modification of Development Plan~~

- ~~1. 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. 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.~~

~~2. 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.~~

~~3. 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.~~

~~A. Fire and Explosion Hazards: All activities, including storage, involving flammable, explosive or hazardous materials shall include the provisions of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in an 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, 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.~~

[ARTICLE XXI]

Section 21.05 – SANITARY SEWER REQUIREMENTS AND POLLUTION CONTROL

All uses shall be conducted in conformance with the regulations promulgated by the Environmental Protection Agency and the Delaware ~~Public County~~ Health ~~District~~ Department. Prior to issuance of any zoning certificate, evidence of compliance with said regulations shall be presented to the Zoning Inspector.

Section 21.08 – DRAINAGE

All construction within Harlem Township shall be accomplished in a manner consistent with maintenance of good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required every reasonable effort shall be made to ensure that proper drainage on the subject property and adjacent or subservient properties is maintained or improved.

In no event shall any person interfere with any existing tile or surface drain channel unless it is determined by the Delaware County Soil and Water Conservation ~~District Office~~ that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.

Section 21.09 – FLOOD PLAIN REGULATION

Certain limited areas of the Township lie within a 100-year flood plain. Inundation of those areas during periods of high water can impose great loss of property value unless controls are imposed to ensure that land use within those areas consider such risks and minimize the impact of such flooding. In an effort to control such uses, in the best interest of the township, the following regulations shall be imposed.

- A. The Delaware County Building Department of Building Safety shall maintain on file for public examination, current maps, delineating the boundaries within the township of all lands designated “flood way”. In the event a property owner contests the boundaries of such flood way, he or she shall be given reasonable opportunity to present technical evidence to support his or her position.
- B. Open space uses shall be permitted within the flood plain to the extent that they are permitted within the zoning district controlling use of said land and provided they do not require structures, fill or storage of material or equipment.
- C. No new structure shall be permitted within the one hundred (100) year flood way, and no use shall be permitted within the flood way which will adversely affect the efficiency or which will unduly restrict the capacity of the channel or flood way of any tributary to the main stream, drainage ditch or other drainage facility or system.
- D. No fill shall be deposited within the flood plain without permission from the Board of Zoning Appeals. Evidence Showing must be provided made that such fill is for some beneficial purpose and will be protected against erosion by rip-rap, vegetation cover or bulk heading. No dredging shall be permitted of the channel or flood way unless the applicant provides evidence to the Board of Zoning Appeals that all State and Federal permits are issued as required by law.
- E. Flood Plain Buffer: A riparian buffer should be preserved along the length on both sides of perennial or intermittent stream channels. The buffer area should have a width of not less than fifty (50) feet as measured from the stream bank. Runs and ditches where water flows only during rainstorms should have a buffer of thirty-five (35) feet. These buffer areas should be restricted from development and managed to promote the growth of vegetation indigenous to the area which is capable of maintaining the structural integrity of the stream bank.

Section 21.10 – SETBACK REGULATIONS

No building or use (except parking areas) shall be located closer to the center line of adjoining streets, roads, highways or Common Access Drives (C.A.D.) than the distances set forth in the tables or chart set forth hereinafter.

- A. Minimum Setback Distances: All distances are measured in feet from the surveyed center line of the existing or proposed roadway to the nearest use or improvement, except parking areas or signs which may be located within the setback area as regulated by Article XXI of this resolution.
- B. If no survey determining the centerline of the roadway exists the centerline may be determined by using pavement measurements.

USE CLASSIFICATION	ROAD CLASSIFICATION		
	CLASS A	CLASS B	CLASS C
AR-1 – Agricultural Residential	130	90	90
FR-1 – Residential	130	90	90
R-2 – Residential	130	90	90
C-1 – Neighborhood Office	130	90	90
C-2 – Neighborhood Commercial	130	90	90
I – Industrial	130	130	100

Planned Districts and Overlays	As approved in Development Plan (Class P)		

[ARTICLE XX – ALTERNATIVE ENERGY SYSTEMS]

Section 20.03 – ACCESSORY SOLAR ENERGY SYSTEMS

- A. Purpose: The purpose of this regulation is to promote the safe, effective, and efficient use of Accessory Solar Energy Systems installed to reduce the on-site consumption of utility-supplied electricity. An Accessory Solar Energy System shall be considered a permitted accessory use in any district provided all requirements and regulations as set forth below are met.

No person shall cause, allow or maintain the use of an Accessory Solar Energy System without first having obtained a zoning permit from the zoning inspector (Section 20.03(C)). All structures shall conform to state and local building codes and all building permits shall be in effect on the day construction or any alteration begins.

Subdivision Development Plans, Deed Restrictions, and Homeowners and Condo Associations may have additional restrictions/requirements on the use of Solar Energy Equipment. The applicant is responsible for researching and obtaining permission as needed before applying for a Zoning Permit Application and/or Building Permit.

- B. An Accessory Solar Energy System, including Integrated, Rooftop, and Ground Mounted Solar Energy System is permitted in all zoning districts in Harlem Township as an accessory to a principal use, subject to the following requirements.
 - 1. An Accessory Solar Energy System shall not be used for the generation of power for the sale or donation of energy to other users, although this provision shall not be interpreted to prohibit the sale or donation of excess power generated from time to time to the local utility company or the sale or donation of power as part of a net metering or similar arrangement. Net metering or similar arrangements are those where electricity produced by the accessory solar energy system displaces electricity that would otherwise be purchased from an electric utility or supplier for the lot where the accessory system is located. Net metering or similar arrangements shall be incidental and secondary to the production for on-site use.
 - 2. An Accessory Solar Energy System that is independent and disconnected from the electrical service(s) supplied to the lot on which the accessory solar energy system is located, with a generation output of five hundred (500) watts or less (or a combination of systems with an aggregate generation output of five hundred (500) watts or less) shall be exempt from the requirements of this section, except for setback requirements.
 - 3. Roof/Building mounted Accessory Solar Energy Systems:
 - a. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
 - b. May not exceed the ridgeline of the roof for hip, gable, and gambrel roofs.
 - c. May be mounted to a principal or accessory building.

4. Ground/Pole mounted Accessory Solar Energy Systems:
 - a. Shall be no taller than seventy-five (75) percent of the principle structure on the lot.
 - b. Shall be permitted in the rear or side yard only.
 - c. Shall be erected within an established Clear Fall Zone.
 - d. Must comply with the Accessory Use setback requirements applicable to the zoning district where located.
 - e. Shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to minimize view of and noise from the system on adjacent lots and from any public right-of-way. Such systems located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the zoning district where located.
5. Other structure-mounted Accessory Solar Energy Systems:
 - a. Shall be no taller than seventy-five (75) percent of the principle structure on the lot.
 - b. Shall be permitted in the rear or side yard only.
 - c. Shall be erected within an established Clear Fall Zone.
 - d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred and ten (110) percent of the height of any structure or the Accessory Use setback, whichever is greater.
6. Glare: Accessory Solar Energy Systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights of way.
7. Noise: Accessory Solar Energy Systems shall not exceed forty (40) dBA as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe storms.
8. Lot Coverage: All Accessory Solar Energy Systems shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located. In the event a zoning district does not have a restriction limiting the ground area occupied by buildings, structures, parking areas, sidewalks, or other impervious surfaces, all Solar Energy System(s) shall not exceed in the aggregate thirty (30) percent of the total area of the lot or tract.
9. Maintenance and Removal: An Accessory Solar Energy System must be maintained in good working order at all times. Any such system and all solar energy equipment that is no longer functioning shall be completely removed from the property within three (3) months from the date it is no longer producing electricity, become damaged, discontinued, or broken. Any earth disturbance as a result of the removal of the accessory solar energy system shall be graded and reseeded within thirty (30) days of removal.

- C. Application Process: A certificate of zoning compliance shall be required before any construction is commenced on a Solar Energy System. Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a certificate of zoning compliance:
1. An engineering report that shows:
 - a.) The total size and height of the proposed Solar Energy System(s) at maximum tilt.
 - b.) Data specifying the megawatt size and generating capacity in megawatts of the particular Solar Energy System.
 - c.) Hazardous materials containment and disposal plan.
 2. A site drawing showing the location of the Solar Energy System including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines.
 3. Evidence of compliance with applicable setback and all other applicable zoning restrictions including the Clear Fall Zone, where required.
 4. A maintenance schedule as well as a dismantling plan that outlines how the Solar Energy System including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.
 5. Proof of notice to the electric utility company, Soil and Water Conservation District, and the Delaware Public Health District regarding the proposal.
 6. Any other information or materials reasonably requested by the Zoning Inspector.

Section 20.04 – PRINCIPAL SOLAR ENERGY PRODUCTION SYSTEMS

- A. Purpose: Principal Solar Energy Production Facilities are Energy Systems that are intended to produce electricity to sell into the market. This is not intended to cover residential or business energy installations that provide onsite power. This section applies to facilities that generate less than fifty (50) megawatts of electricity and are larger than fifteen (15) acres. This article applies to the siting, construction, installation, maintenance, and decommission of any new small-scale solar facility. Solar facilities of fifty (50) megawatts or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

No person shall cause, allow or maintain the use of a Principal Solar Energy Production Facility without first having obtained a zoning permit from the zoning inspector (Section 20.04(C)). All structures shall conform to state and local building codes and all building permits shall be in effect on the day construction or any alteration begins.

Subdivision Development Plans, Deed Restrictions, and Homeowners and Condo Associations may have additional restrictions/requirements on the use of Solar Energy Equipment. The applicant is responsible for researching and obtaining permission as needed before applying for a Zoning Permit Application and/or Building Permit.

- B. Any Principal Solar Facility shall comply with the following specific requirements:
1. Road Use Maintenance Agreement: The property owner shall provide for the adequate maintenance and protection of managed infrastructure (including, but not limited to roadways, rights-of-way, and easements) to be used in connection with the Principal Solar Facility as detailed further in a road use and maintenance agreement (“RUMA”) with the Township and any other relevant agency. Any damaged public roads, culverts, and bridges shall be repaired promptly to their previous or better condition by the property owner or their designee under the guidance of the appropriate regulatory authority.
 2. Safety Services: The property owner shall provide sufficient evidence that the property can be adequately served by the appropriate safety services, for example, a letter from the applicable fire department verifying that emergency response personnel and vehicles can safely reach and service the property, including the area where the Principal Solar Facility is located.
 3. Location:
 - a. No Principal Solar Facility shall be located on the front façade of any structure or on any façade facing a public right-of-way.
 - b. No Principal Solar Facility shall be located in front of a principal building or structure. In the case of corner lots, no Small Solar Facility shall be located between a principal building or structure and a public right-of-way.
 4. Height: the maximum height of any Principal Solar Facility shall not exceed the maximum height permitted in the zoning district it is to be located in.
 5. Buffers and Setbacks:
 - a. Where a Principal Solar Facility is located on property adjacent to or in close proximity to property zoned for residential use (as determined by the Zoning Inspector), no part of the Facility (other than components located entirely underground) shall be located within one hundred (100) feet of an existing residential dwelling.
 - b. No Principal Solar Facility (other than components located entirely underground) shall be located within fifty (50) feet of another property line.
 - c. No Principal Solar Facility (other than components located entirely underground) shall be located within a distance from the right-of-way as defined in Section 20.10 or within one hundred (100) feet of a shared-use driveway.
 6. Visual Buffer: A Principal Solar Facility shall have a visual buffer of natural vegetation, plantings, and/or fencing designed to and that does all of the following:
 - a. Enhances the view from any existing residential dwelling and from any public right-of-way;

- b. Is in harmony with the existing vegetation and viewshed in the area; and
 - c. Provides reasonable visual screening to minimize view of and noise from the Principal Solar Facilities to adjacent lots and from any public right-of-way.
7. Advertising: Principal Solar Facilities and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.
 8. Glare: Principal Solar Facilities shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights of way.
 9. Noise: Principal Solar Facilities shall not exceed forty (40) dBA as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe storms.
 10. Lighting: All lights associated with the Principal Solar Facility must narrowly focus light inward toward the equipment, be downlit and shielded, and prohibit any spillover onto any adjacent property.
 11. Fencing: Any fencing and/or screening installed in connection with the Principal Solar Facility shall be harmonious and compatible with the surrounding properties and uses. Fencing shall be maintained in good repair and in an aesthetic manner at all times.
 12. Maintenance and Removal:
 - a. Principal Solar Facilities must be maintained in good working order at all times. A facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. The owner of the property ~~and/or owner of such facilities~~, within thirty (30) days of permanently ceasing operation of a facility, shall provide written notice of abandonment to the Zoning Inspector. An unused facility may stand no longer than three (3) months following abandonment and shall adhere to, at minimum, the approved dismantling plan on file.
 - b. All costs associated with the dismantling/demolition of the Principal Solar Facility and associated equipment shall be borne by the property owner. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing facility and, in the case of Ground Mounted Solar Energy Systems, returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/ installation.
- C. Application Process: A certificate of zoning compliance shall be required before any construction is commenced on a Solar Energy System. Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a certificate of zoning compliance:
1. An engineering report that shows:

- a.) The total size and height of the proposed Solar Energy System(s) at maximum tilt.
 - b.) Data specifying the megawatt size and generating capacity in megawatts of the particular Solar Energy System.
 - c.) Hazardous materials containment and disposal plan.
2. A site drawing showing the location of the Solar Energy System including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines.
 3. Evidence of compliance with applicable setback and all other applicable zoning restrictions including the Clear Fall Zone, where required.
 4. A maintenance schedule as well as a dismantling plan that outlines how the Solar Energy System including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.
 5. Proof of notice to the electric utility company, Soil and Water Conservation District, and the Delaware Public Health District regarding the proposal.
 6. Any other information or materials reasonably requested by the Zoning Inspector.

[ARTICLE VI]

Solar Energy Systems: A system and associated facilities that collect Solar Energy, which may include, the following types:

Ground Mounted: A solar energy system that mounts a solar panel or panels and facilities on or attached to the ground.

Integrated: A solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.

Rooftop: A solar energy system that is mounted to a structure or building's roof on racks.

Small Solar Facility: Pursuant to ORC 519.213 (A) (2), "Small Solar Facility" means solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) MW.

Solar Energy: Radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.

Accessory Solar Energy: A solar collection system consisting of one or more roof/building mounted, ground/pole mounted, and/or other structure mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered an accessory solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

Principal Solar Energy Production Facility: An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. These production facilities primarily produce electricity to be used off-site. Principal solar energy production facilities consist of one or more roof/building mounted, ground/pole mounted, and/or other structure mounted solar collector devices, solar related equipment, and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. Includes "Community Solar Facility" as defined by statute or herein.

Solar Energy Equipment: Items for the purpose of generation, transmission, and storage of electricity, including but not limited to a solar photovoltaic cell, solar panels, lines, pumps, inverter(s), batteries, mounting brackets, racking, framing and/or foundation used for or intended to be used for the collection of solar energy.

Solar Photovoltaic (PV): The technology that uses a semiconductor to convert light directly into electricity.

Clear Fall Zone (Solar Energy): An area surrounding a ground/pole mounted or other structure mounted solar energy system into which the system and/or components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing the structure's failure that shall remain unobstructed and confined within the property lines of the lot where the system is located. The purpose of the zone being that if the system should fall or otherwise become damaged, the falling structure will be confined to the lot and will not intrude onto a neighboring property.

Community Solar: Also known as shared solar, or solar gardens, is an energy model that allows customers to buy or lease part of a larger off-site shared solar photovoltaic (PV) system.